The 7th International Conference on Social Sciences
Organized by Faculty of Social Science
and Law Manado State University

The Innovation Breakthrough in Digital and Disruptive Era
ABSTRACT

This research discusses childfreeness in the millennial generation from the perspective of Islamic law. Childfree is an agreement made by a husband and wife not to have children. This research uses a qualitative method. This research is library research where the researcher examines all sources through journals and books that are related to the title being studied. The approach that the author uses in this study is a normative and sociological approach. With the normative approach of the Qur'an and As-Sunnah, having children in Islam is a recommendation, not an obligation. So being child free is not included in the category of prohibited acts, because every married couple has the right to plan and manage their family life, including having children. Even though there are no verses that directly prohibit the freedom of children, choosing not to have children can be considered an unwise choice because Allah SWT guarantees the survival of each of His servants. In Islam, children are seen as gifts to be grateful for because children are gifts from God. Every human being entrusted with being a parent must carry out this role properly and fully.

Keywords: Childfree, Islamic Law, Children

1. INTRODUCTION

Marriage is a sunnatullah that is important for human life. In Law no. 1 of 1974 it is stated that: Marriage is the physical and spiritual bond between a man and a woman as husband and wife for the purpose of creating a happy and eternal family (household) based on faith in one Almighty God. [1]. In addition to carrying out the commands of Allah and His Messenger, getting married is also to get pious and pious offspring. As the word of Allah in QS. An-Nahl verse 72:

اَلْمَعْلُومُ وَأَنْتُمْ بِذَٰلِكَ ۢيَفْتَرُونَ مِنَ الْبَاطِلِ وَبِنِّعْمَةِ ٱللَّهِ هُمْ يُكْفِرُونَ

"God made for you wives of your own kind and made for you children and grandchildren from your wives and gave you sustenance from good things. So why do they believe in falsehood and deny Allah's favor?"
world and in the hereafter, because having offspring can be a savior in the afterlife when the parents have died. As Abu Hurairah radhiyallahu ‘anhu, he said that the Prophet sallallaahu alaihi wassalam said:

"If someone dies, then his deeds are cut off except for three things (namely): charity, useful knowledge, or the prayers of pious children" (HR. Muslim). Therefore, the author is very interested in further researching the problem of childfree, especially in the millennial generation which will later be studied more deeply according to an Islamic perspective.

2. RESEARCH METHODS

In this study, including the type of qualitative research. This research is literature research (Library research), in which researchers examine various written sources in the form of books and articles that support this research [12]. The main sources used in this article are the Al-Qur'an, Hadith, fiqh books, and scientific journals that are relevant to this research. The approach that the author uses in this study is a normative and sociological approach. [13] Normative aspects are examined through values, norms and teachings in Islam, especially those contained in the Qur'an and Sunnah. While the sociological aspects are studied to find out the reality in society regarding childfree. The data analysis technique in this study is descriptive qualitative[14] where the researcher thoroughly reads the existing reading sources, then collects them and arranges them into research that can be understood.

3. RESEARCH RESULT

The meaning of marriage is not only limited to a contract to unite sacred promises and halal intercourse, but there is a very big responsibility because of husband and wife. The obligations of husband and wife include providing for the family, educating children well, managing the household, equality of opinion, knowing each other's position and so on. Therefore, building a household must need readiness and is an obligation that must be fulfilled by individuals who want to get married. Thus, we can know that the main goal in marriage is to achieve tranquility (sakinah), mawaddah and mercy.

The scholars added that one of the goals of marriage was the existence of children. Sakinah can be achieved by having a complete family with children in it. We see that some parents, even the Prophet of Allah, really hoped for the presence of children in their household life. This proves that the desire to have children is an instinctive human nature. [15]

Childfree is a combination of two English words from the word child which means child, and free which means free. So, if we interpret it literally, childfree means free from children [3]

Childfree abroad is different from in Indonesia. While people in European countries can interpret childfree as an individual act, most Indonesians interpret childfree as an act done together with a partner. Therefore, if we look at it from a regulatory point of view, Indonesia is a country with a Muslim majority population, and from the rule of law, Indonesia is a country that requires individuals to be bound in marriages that are legally and according to religion for children born to be recognized and guaranteed by the state [4] So these regulations are clearly different from those in the United States, where the US is one of several countries that do not require marriage as an intermediary to have children.

Childfree in Indonesia

Currently, the phenomenon of underdeveloped children in Indonesia. This phenomenon began to be widely discussed among the general public and led to many pros and cons in the society regarding the freedom to have children. Currently, the phenomenon of underdeveloped children in Indonesia. This phenomenon began to be widely discussed among the general public and led to many pros and cons in the society regarding the freedom to have children. Indonesia's fertility rate continues to fall, according to World Bank data, and the crude birth rate per 1,000 inhabitants in 2019 announced by the Central Bureau of Statistics (BPS) also shows a decline in population growth. speed. Indonesia's population growth rate from 2010 to 2020 has decreased by 1.25% from 1.49% in the previous period from 2000 to 2010.

BPS also estimates that population growth will be only 0.80% in 2025-2030 and will continue to decline the following year. Looking in detail at
BPS Indonesia's data, several provinces are seeing declining growth rates. For example, the rate of population growth in Aceh province has also slowed further. BPS data shows that in 2010-2015, the population growth rate was 2.03%. Moreover, the population growth in 2015-2020 shows 1.77%. These data show that Aceh province also experiences a decline in population growth every year. [5]

**Main Reasons for Millennial Generation for Childfree**

Having children is a hope for married couples. However, over time the concept has changed. For some people, the concept of a happy family is not only related to the presence of children. A happy family can be obtained from an intense husband and wife relationship, sufficient finances, or even the presence of a loyal pet. Apart from these cofactors, there are still many reasons a person chooses not to have children. Among them:

1. **Personal and Social**

   Personal factors are personal reasons based on achieving self-pleasure and well-being because they are free from children. Taking care of children is believed to be disturbing because it is very draining of energy and mind. Meanwhile, social factors are influenced by people's experiences in dealing with children's problems and feelings of disapproval of the treatment and expectations of society for men and women. Such as concerns about the effects of pregnancy on a woman's body such as weight gain, stretch marks, decreased breasts, excessive pigmentation of the face, sagging pelvic muscles which causes reduced sexual pleasure for women and their partners, hemorrhoids, urinary incontinence, death, and others [6]

2. **Medical and Psychological Problems**

   Medical and psychological problems cause a person not to want or be required not to have children as well as fears that children will inherit hereditary diseases and mental health problems (mental health issues). [16] Or Feeling that you don't have the capacity to be a patient and responsible parent [7][8]

3. **Economy and Culture**

   Someone is reluctant to have children to avoid troublesome expenses later. In addition, the culture of society also has an influence in determining childfree. Besides that, most couples are too busy with work so they don't have time to think about the children. [17]

4. **Philosophical**

   Among the adherents of childfree, they think what is the true meaning of children and offspring. If that meaning can be achieved in another way, then they think of taking that path instead of having children. In addition, the choice for childfree can also be influenced by the ideology adopted.

5. **Environment**

   It is undeniable that population density can affect the environment and climate. The number of people must be supported by the availability of sufficient food to meet daily nutritional needs. In addition, excessive population density also has an impact on climate change, a dirty, crowded environment and so on. Therefore, there are people who practice childfree to maintain the balance of nature [7]

**Impact of Someone Doing Childfree**

One of the positive impacts of childfree is that it can regulate the world's population, the problem of population explosion certainly has an impact on several population problems such as hunger, global environmental problems, [19] development, and environmental crises. In the writer's opinion, besides the positive impact of childfree also reducing the population, there are things that are more humane to do, namely by reducing the number of children per family. It is felt that the Indonesian government has succeeded in suppressing the rate of population growth [8]. while for the negative impacts, namely the extinction of humanity, reduced productive age in the next generation and negative stigma from society [9].

**Childfree in the View of Islamic Law**

Although the choice for childfree is a person's individual rights. However, many people who choose to be childfree use it as a reason because of this right, they think that only they have the right to
continue their descent. In fact, this is not the case. Theologically, when a husband and wife marry, they usually expect children in their household. In accordance with the Word of Allah QS. An-Nisa’ verse 1:

"O mankind, fear your Lord, who created you from a single soul, and from him Allah created his wife; and from both of them God gave birth to many men and women. And fear Allah with (using) His name you ask one another, and (maintain) friendly relations. Verily, Allah is always guarding and watching over you.

The verse above explains the creation of humans as one creature, then a partner of the same type (human) is created. The two of them are brought together so that peace arises between the two. From this meeting, of course, the birth of many descendants was desired. It can be concluded that the verse above contains the spirit that a normal marriage and in line with sunnatullah is a marriage with the presence of children. According to Quraish Shihab, the main purpose of marriage is to achieve sakinah. In a sakinah family, husband and wife must carry out family functions, one of which is reproduction. We can indirectly say that having children can support peace in the household, because they can carry out family functions in accordance with the purpose of marriage. Besides that, according to Ibn Abbas and Mujahid the word rahmah in the Qur’an has the meaning of ‘child’. Meanwhile, Quraish Shihab interprets mercy as compassion for the weak, in this case affection for children when they are small, and for parents when they are old [10]

Rasulullah SAW wanted the number of people from husband and wife. Because with many Muslims will be great and respected by other people. If a source of law (nash) has fulfilled the elements of qath’iyyu tsubut and qath’iyyu dalâlah and there are no other texts that contradict the intent of the text, then the text can be used as a strong argument in determining a law [11]

From the verse above, it is clear that Islam requires the presence of children in household life. The recommendation of Rasulullah SAW as the lord of Muslims should also take precedence over mere ego interests. So, it should be married must be accompanied by the intention to continue the descent. The intention to carry out the advice of Rasulullah SAW in the form of having offspring and preparing pious cadres is a religious recommendation. Intention also has an important role in getting married. Do not get married based only on material things, let alone do not relate it to (secular) religion. Because actually marriage is a strong sacred bond (mitsaqan ghalizhan) which must be accompanied by the breath of Islam in it. Thus, childfree with the intention not to have children for reasons of materialism and secularism is not in line with the main goal of marriage. Offspring are a blessing from Allah SWT. neither husband nor wife. It is Allah who wants the child to be male or female, or not even have one at all. Because actually Allah is the mastermind behind the creation of humans in the womb, humans are only ware.

Even so, husband and wife should always try and pray to have children. How many married couples expect children in their household life. We see that the Prophet Zakariya As. and Prophet Ibrahim AS. in the Qur'an really expect children in their marriage. Then Allah gave sustenance to both of them by presenting Yahya As. and Ishaq As. However, if from the start a husband and wife intend not to have children, of course this is not in line with the texts which have the spirit of having children. Apart from that, if someone who is physically and mentally healthy and has the ability to reproduce is reluctant to have children, this really has hurt the hearts of the Prophets. Therefore, marriage must be accompanied by self-preparedness both physically, materially, and mentally. And when you are ready to get married, then let the marriage be accompanied by expecting, having, and educating children in married life.

If viewed from a juridical perspective, the intention to have children is something worth rewarding. Scholars agree that it is sunnah to marry with the intention of having children, and if there is no such intention, the law is permissible. Although according to most scholars, it is permissible (mubah) to marry without the intention of having children, all of them agree on the virtue of marrying with the intention of having children. Therefore, even though the childfree law is
permissible, it still leaves the more important purpose of marriage, namely, to have children. We can indirectly say that educating pious children is a taklif (imposing an obligation on someone) for Muslims. Because the form of a godly child will never exist if there is no marriage. So, marriage should be accompanied by the spirit to have children. Therefore, if a husband and wife are in normal condition and medically could procreate, then it is forbidden for both of them to close the path of descent.

Marriage must also be accompanied by physical, material, and mental readiness. Fiqh scholars have formulated that the law of marriage varies depending on a person's condition. Marriage can become unlawful if someone is sure that it can harm their partner when they marry later. Because something that can bring Haram, then the law is also Haram. [18] Including readiness in marriage is good mental readiness. It is not uncommon for married couples to experience baby blues (a form of sadness or depression experienced by mothers after giving birth) because they are not ready to have children.

The phenomenon of baby blues causes children who do not know anything to become victims of their parents' anger or even abuse. If this happens, the purpose of marriage to achieve sakinah is not achieved. So, the readiness for marriage must be weighed both good and bad so that problems do not occur later. To carry out marriages in Indonesia itself, it has facilitated the existence of "suscatin" (guidance courses for prospective brides) to achieve household readiness. Therefore, marriage must be prepared carefully so that unwanted things do not happen in the household. So, if a husband and wife do childfree with the reason that they are worried that they will hurt their children in the future, this cannot be justified because there is a way that mental illness can be cured, namely by consulting with experts regarding parenting, not by severing offspring.

4. CONCLUSION

Childfree is a social phenomenon originating from the West that advocates not having children. Many factors encourage someone to choose to be childfree, including personal, medical and psychological, philosophical, economic and cultural and environmental factors.

Childfree with the intention to limit offspring is against Islamic law and the purpose of marriage. Islamic law encourages its followers to marry and have children. The number of descendants must of course be accompanied by the good quality of the people in order to support the upholding of Islam until the Day of Judgment.

Sakinah, mawaddah and rahmah as the goals of marriage can be achieved by the presence of children in household life, even though children are a provision from Allah SWT, but it is fitting that as an obedient servant always try to have them. In addition, trying to have children is something that is worth worship, and the sunnah of the prophets. Therefore, if you see the many advantages that are obtained by having children, then limiting offspring without reasons justified by syara’ is something that is not in line with the purpose of marriage.

REFERENCES


