

## Childfree in Marriage: An Islamic Family Law Analysis from the Perspective of Maqashid al-Shariah

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### ABSTRACT

The childfree phenomenon has become a contemporary issue that is increasingly developing among young couples, including within Muslim communities. The decision of married couples not to have children has generated debate from the perspective of Islamic family law, particularly regarding the objectives of marriage and the principles of maqashid al-shariah. This study aims to analyze the childfree phenomenon from the perspective of Islamic family law using the maqashid al-shariah approach. The research method employed is library research with normative-judicial and philosophical approaches. Data were obtained from classical and contemporary literature, scientific journals, and Islamic family law regulations. The results of the study indicate that childfree is not explicitly prohibited in Islam; however, it must be analyzed based on the objectives of marriage and maqashid al-shariah, particularly hifz al-nasl (the preservation of lineage). The decision to be childfree may be permissible under certain conditions, such as health, psychological, or urgent economic factors, but it is not recommended if it contradicts the primary objectives of marriage in Islam. Therefore, childfree is considered an ijthadi and contextual decision that must take into account public benefit (maslahah) and the principles of maqashid al-shariah.

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### Introduction

The childfree phenomenon, defined as the decision of married couples not to have children, has become a contemporary issue that is increasingly developing in modern society, including among Muslim couples. Changes in the mindset of younger generations, along with economic factors, career priorities, health concerns, and psychological considerations, have become the primary reasons behind the emergence of the childfree lifestyle within marriage. This condition has generated debate because, traditionally, marriage in Islam is understood not only as an emotional bond but also as a means of

continuing lineage and preserving the continuity of future generations. (Journal & Jurisprudence, 2025).

From the perspective of Islamic Family Law, having children is considered one of the important objectives of marriage, closely related to Maqashid al-Shariah, particularly *hifz al-nasl* (the preservation of lineage). This principle emphasizes that the presence of children within marriage serves to maintain generational continuity, social stability, and the balance of family life. However, contemporary developments have introduced new perspectives suggesting that the decision to be childfree may be regarded as part of the reproductive rights of married couples, as long as it is based on considerations of public benefit (*maslahah*) and does not cause harm. (Nasional et al., 2025). Several studies indicate that childfree is not necessarily contrary to Islamic law when it is based on *syar'i* considerations such as health issues, economic conditions, or psychological readiness. Nevertheless, such a decision may be viewed as conflicting with *maqashid al-shariah* if it is carried out permanently without clear justification, as it potentially neglects one of the fundamental objectives of marriage in Islam, namely the preservation of lineage. Therefore, a deeper analysis through the *maqashid al-shariah* approach is necessary to determine whether the childfree phenomenon aligns with or contradicts the objectives of Islamic law. (Saogi & Saputa, 2025).

Based on the explanation above, research on childfree within marriage is important to be analyzed through the perspectives of Islamic Family Law and Maqashid al-Shariah in order to provide a comprehensive understanding of the dynamics of modern Muslim families and their legal implications within social life.

## Method

This study employs a qualitative research method using a normative-juridical approach or library research. This approach is utilized to analyze the childfree phenomenon based on Islamic legal sources, including the Qur'an, Hadith, classical *fiqh* literature, and relevant scientific literature. Data collection is conducted through documentation studies of scientific journals, books, and previous research related to the issue of childfree.

The data analysis technique applied in this study is descriptive qualitative analysis by examining the childfree phenomenon from the perspectives of Islamic Family Law and Maqashid al-Shariah. Through this approach, the research seeks to understand the legal position of childfree within Islamic family law as well as its relevance to the principles and objectives of Islamic law, particularly *hifz al-nasl* (the preservation of lineage).

## Results and Discussion

### 1. The Concept of Childfree in Social and Modern Family Perspectives

The childfree phenomenon is a term used to describe the decision of married couples who consciously choose not to have children, either temporarily or permanently (Bunyamin et al., 2025). In recent decades, this phenomenon has increasingly developed in various

countries, including Indonesia. Social and economic changes, as well as shifts in the mindset of younger generations, have become the primary factors contributing to the growing preference for a childfree lifestyle in marriage (Ramadhan et al., 2023). In addition, the rising costs of education, healthcare, and daily living expenses have become major considerations for young couples in deciding to remain childfree. They believe that having children requires substantial responsibility, both financially and psychologically. On the other hand, some couples also choose to be childfree in order to maintain household harmony without additional burdens that are perceived as potential triggers of family conflict (Mawaris, n.d.).

The childfree phenomenon is also driven by increasing awareness of mental and physical health, particularly among women. Pregnancy and childbirth involve certain health risks that become important considerations for some couples. Therefore, the decision to remain childfree is often based on rational considerations regarding mental and physical readiness in married life (Sunarto et al., 2023). Nevertheless, within Muslim societies, the childfree phenomenon has generated various debates. This is because, in Islamic teachings, marriage is not only viewed as a relationship between husband and wife, but also as a means of continuing lineage and preserving the continuity of future Muslim generations (Sunarto et al., 2023). Therefore, the childfree phenomenon is important to be analyzed from the perspective of Islamic Family Law in order to determine its legal position clearly.

## **2. The Objectives of Marriage in Islamic Family Law**

In Islamic Family Law, marriage has broad objectives that are not limited merely to fulfilling biological needs. Marriage aims to create a household life characterized by *sakinah* (tranquility), *mawaddah* (love), and *rahmah* (compassion). In addition, marriage also seeks to preserve honor, build a harmonious family, and continue lineage (Sakinah et al., 2025). The Qur'an explains that one of the purposes of marriage is to attain peace and affection within family life. This demonstrates that marriage possesses highly important spiritual and emotional dimensions. However, besides these objectives, Islam also emphasizes the importance of offspring as part of the purposes of marriage (Qur & Dan, 2025).

Furthermore, several hadiths of the Prophet Muhammad SAW encourage Muslims to have many descendants. This indicates that having children is considered a positive value in Islam. Children are not only heirs of the family but also future generations who will preserve the continuity of the Muslim community. Nevertheless, it is important to understand that although having children is encouraged, Islam does not explicitly obligate married couples to have children. In some cases, there are couples who do not have children due to biological or health-related factors, and this is not regarded as a violation of Islamic law. Therefore, the presence of children in marriage is considered more of a recommendation rather than an absolute obligation (Chomsiyah & Purwokerto, 2025).

This demonstrates that the objectives of marriage in Islam are not solely limited to having offspring, but also include various other aspects such as preserving honor, achieving tranquility, and establishing a harmonious family. Therefore, the childfree phenomenon

needs to be analyzed comprehensively by considering the broader objectives of marriage in Islam (Jahwa, 2024).

### **3. Childfree from the Perspective of Islamic Fiqh**

In the study of Islamic jurisprudence (fiqh), discussions regarding childfree may be associated with the concept of birth control, which has long been recognized in classical Islamic literature. One practice known in fiqh is 'azl, namely a method of birth control by withdrawing before ejaculation outside the womb. This practice was carried out by several companions of the Prophet Muhammad SAW and was not explicitly prohibited by the Prophet himself (Keislaman, 2025).

Some Islamic scholars permit the practice of 'azl on the condition that both husband and wife give their consent. This demonstrates that Islam provides flexibility for married couples in managing family life, including family planning. In addition, scholars also allow the use of modern contraceptive methods as long as they do not endanger health and are implemented with mutual agreement between spouses (Perbandingan et al., 2019). However, there is a distinction between birth control and permanent childfree decisions. Birth control is generally temporary and intended to maintain maternal health or family economic stability, whereas permanent childfree refers to the decision not to have children at all within marriage (Suami et al., 2023).

Some scholars argue that permanent childfree is less compatible with the objectives of marriage in Islam because it neglects the reproductive function as one of the primary purposes of marriage. Nevertheless, other scholars maintain that as long as the decision is based on rational considerations and does not contradict the principles of Islamic law, childfree may still be considered permissible. This demonstrates that the legal status of childfree in Islam is contextual and depends on the underlying reasons behind the decision. Therefore, an approach based on Maqashid al-Shariah is necessary in order to understand the childfree phenomenon more comprehensively.

### **4. Childfree Analysis from the Perspective of Maqashid al-Shariah**

Maqashid al-shariah is a concept in Islamic law that emphasizes the primary objectives of the sharia, namely the preservation of human welfare and benefit. Within this concept, there are five essential objectives that must be protected: the preservation of religion, life, intellect, lineage, and wealth.

#### **a. Hifz al-Nasl (Preservation of Lineage)**

From the perspective of Maqashid al-Shariah, preserving lineage is one of the fundamental objectives of Islamic law. Marriage serves as the primary means of ensuring generational continuity. Therefore, the decision to remain permanently childfree may potentially conflict with the objective of preserving lineage. However, if childfree is temporary or based on certain reasons such as health concerns or economic conditions, it may be considered a form of public benefit (maslahah). Consequently, childfree cannot be judged absolutely, but rather must be analyzed according to its context (Rosyad et al., 2026).

b. Hifz al-Nafs (Preservation of Life)

In certain cases, the decision to remain childfree may constitute an effort to preserve life. For example, if pregnancy poses serious risks to the mother's health, the decision not to have children may be regarded as a form of protecting life. Islam strongly emphasizes the importance of safeguarding human life. Therefore, childfree decisions based on health considerations may be justified within the framework of Maqashid al-Shariah (Ilham, 2023).

c. Hifz al-Aql (Preservation of Intellect)

Mental and psychological readiness in raising children is also an important consideration. If married couples are not mentally prepared, having children may negatively affect family welfare. Therefore, in certain circumstances, childfree may be viewed as an effort to preserve mental health and psychological well-being (Di et al., 2024).

d. Hifz al-Mal (Preservation of Wealth)

Economic factors also play an important role in childfree decisions. Islam teaches that parents have the responsibility to provide proper education and a decent standard of living for their children. Therefore, if economic conditions are insufficient, birth control or temporary childfree decisions may be considered permissible (Keluarga & Islam, 2024).

e. Hifz al-Din (Preservation of Religion)

Children also play an important role in preserving the continuity of religion. Future generations are part of sustaining Islamic da'wah and religious values within society. Therefore, permanent childfree decisions without clear justification may potentially affect the continuity of religious values and traditions within the Muslim community (Syah & Taufiq, 2024).

## 5. The Implications of Childfree in Islamic Family Law

The childfree phenomenon in marriage carries significant implications within Islamic Family Law, particularly in relation to the objectives of marriage, family responsibilities, and generational continuity. In Islamic family law, marriage is not merely understood as a legal relationship between husband and wife, but also as a social institution that possesses reproductive, educational, and generational functions aimed at forming morally upright descendants. Therefore, the decision of married couples not to have children raises various legal and social considerations that need to be analyzed comprehensively (Yantika et al., 2024).

One of the primary implications of the childfree phenomenon relates to the objectives of marriage in Islam. Generally, marriage in Islam aims to establish a family characterized by *sakinah* (tranquility), *mawaddah* (love), and *rahmah* (compassion), as well as to continue lineage. The presence of children constitutes an important aspect of preserving the continuity of future Muslim generations (Sunarto et al., 2023). Consequently, a permanent childfree decision may be regarded as less compatible with these objectives. However, if the decision to remain childfree is temporary and based on specific reasons such as health conditions, psychological readiness, or economic circumstances, it may still be understood as a form of family planning that remains within the framework of Islamic law.

Another implication concerns the responsibilities of husband and wife within family life. In Islamic Family Law, spouses share collective responsibilities in building a harmonious family and educating future generations. With the adoption of a childfree lifestyle, these responsibilities undergo significant changes because the couple no longer bears obligations related to child-rearing. This condition may affect marital dynamics in both positive and negative ways. Some couples may feel more focused on self-development and strengthening their marital relationship, while on the other hand, the absence of children may also influence the long-term emotional stability of the family (Syah & Taufiq, 2024).

Furthermore, the childfree phenomenon also has social implications within Muslim communities. The family represents the smallest social unit that plays an important role in preserving religious and cultural values. Children become the next generation responsible for continuing religious traditions and social values within society. If the childfree phenomenon continues to increase, it may potentially affect the demographic structure of Muslim communities as well as the continuity of religious values in the long term. Therefore, the decision to remain childfree does not only affect married couples personally, but also carries broader social consequences (Ilham, 2023).

## Conclusion

The childfree phenomenon in marriage has become a contemporary issue that generates debate within Islamic Family Law. From the perspective of Maqashid al-Shariah, having children is considered one of the important objectives of marriage, particularly in relation to *hifz al-nasl* (the preservation of lineage). Therefore, the decision not to have children permanently without clear justification is regarded as less consistent with the primary objectives of Islamic law.

Nevertheless, Islam does not absolutely obligate married couples to have children. If the decision to remain childfree is based on considerations of *maslahah* (public benefit), such as health conditions, psychological readiness, or significant economic factors, then it may be regarded as a form of *ijtihad* within family life. The Maqashid al-Shariah approach provides flexibility in understanding this phenomenon contextually according to the needs and circumstances of each couple.

Thus, from the perspective of Islamic Family Law, childfree is not explicitly prohibited, but it is considered less recommended when it neglects the objective of preserving lineage. Therefore, the decision to be childfree should be made wisely by taking into account the principles of *maslahah*, the objectives of marriage, and the values of Maqashid al-Shariah.

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