

## **CHILDFREE AGREEMENT IN THE PERSPECTIVE OF MEDAN CITY ULAMA**

**Intan Lubis, Nurul Huda**  
Universitas Islam Negeri Sumatera Utara  
Email: intanlubis2014@gmail.com  
nurulhuda@uinsu.ac.id

### **Abstract:**

This study aims to explain the Childfree Agreement in the Ulama Perspective of Medan City. According to the Islamic religion, marriage is something noble and sacred which is one of the muamalah which has the value of worshiping Allah and carrying out the sunnah of the Prophet. Childfree marriage, namely marriage with the husband and wife's agreement and agreement not to have children during the marriage. The method used in this research is normative legal research method. The formulation of the problem that will be discussed in the research, What is meant by Childfree, How is the Agreement of Ulama of Medan City towards Childfree. The results of the study note that childfree or childless marriage agreements are seen in the principles of Islamic symbols, until now there has been no argument against not having a child in marriage, but it is recommended by religion to have a child, in this regard the Medan city clerics took one of a source explaining about Childfree written by Sheikh Syauqi Ibrahim Alam from Dar Ifta Egypt, issued a fatwa number 4713, 5 February 2019 regarding the presence of offspring in the family. First, in Islam there is no statement in the Qur'an or Hadith that obliges husband and wife to have children. Second, there is an agreement between husband and wife not to have children. The reason is, being a parent is not a trivial thing, there is a big responsibility. Third, the unwillingness to have children, according to Sheikh Ibrahim Alam, is analogous to the case of azal or termination of intercourse before reaching an orgasm so that the husband's sperm comes out outside the wife's vaginal opening. the view of Medan city scholars is that it is permissible to practice Childfree, because until now there is no argument or one text (Al Ashlu) which clearly prohibits a husband and wife from not having a child and in Al ibahah that it is permissible for a husband and wife to choose between doing or not making an agreement to have children in marriage, and is only limited to a recommendation to have a child so that the case can be seen from Islamic law masalah mursalah which means regardless or free from information indicating whether Childfree is permissible or not. marriages that practice Childfree do not have texts (Al Ibahah) or arguments that clearly prohibit not having a child in marriage, but what is recommended by religion to have a child.

**Keywords :** *Childfree, Ulama's perspective, Marriage Law*

## Introduction

Marriage has an important role in the continuation of life and building a family in a legal bond in religion and country. One of the purposes of marriage prescribed by Islam is to perform worship to Allah SWT and the Sunnah of the Messenger of Allah and to form a family and have offspring, namely a biological child from the result of a marriage between a man and a woman. The Prophet recommended marriage for his servant, where the hadith narrated by Ibnu Majah reads " From Aishah RA, the Prophet SAW said: Marriage is part of my sunnah, whoever does not practice my sunnah, then he does not follow my path. Marry, because indeed I am proud of you above other nations, whoever has wealth, then marry, and whoever cannot afford it, then he should fast, because fasting is truly a shield for him.<sup>1</sup> And in Al Qur'an Allah SWT commands his servant by explaining in Surat Az-Zariyat verse 49 which reads;

تَذَكَّرُونَ لَعَلَّكُمْ زَوْجَيْنِ خَلَقْنَا شَيْءٍ كُلِّ وَمِنْ

Artinya : And everything We created in pairs so that you remember (God's greatness). QS. Az-Zariyat 51: Verse 49<sup>2</sup>

Marriage is a moment full of happiness, especially for the bride and groom. So for that the families of both parties usually hold a banquet or walimah after the indigo contract is pledged. In the marriage process, clear rules are needed so that citizens do not violate regulations made by the government and religion. In Islam, marriage is something that is noble and sacred and is one of worship to Allah and carrying out the sunnah of the Prophet and carried out sincerely and without the slightest coercion from any party. In the Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage Chapter I article 1, marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on Belief in the One Supreme God.<sup>3</sup> In this case Allah SWT can say in QS. An-Nisa verse 1 Allah Subhanahu Wa Ta'ala says:

رَجَا مِنْهُمَا وَبَتَّ زَوْجَهَا مِنْهَا وَخَلَقَ جِدَّةٍ      وَأَنْفُسٍ مِّنْ خَلْقِكُمْ الَّذِي رَبُّكُمْ اتَّقُوا سُبْحَانَ الَّذِي يَأْتِيهَا  
رَقِيبًا عَلَيْكُمْ نَكَا اللَّهُ إِنَّ ۗ مَرْحَلًا وَأَوَّاهِ تَسَاءَلُونَ الَّذِي اللَّهُ تَقْوَا وَآ ۗ وَنِسَاءً كَثِيرًا لَا

Meaning: "O human being! Fear your Lord who created you from one (Adam), and (Allah) created his mate (Eve) from (himself); and from both of them God produced many men and women. Be fearless to Allah in whose name you ask each other and (maintain) family ties. Indeed, Allah always looks after and watches over you." (QS. An-Nisa' 4: Verse 1).<sup>4</sup>

Fiqh scholars who follow the four schools of thought (Syafi'i, Hanafi, Maliki, and Hanbali) generally define marriage as a contract that brings the ability (for a

<sup>1</sup> Hadir Rinawati Ibnu Majah” Anjuran Untuk Menikah”.orami.co.id

<sup>2</sup> Via Al-Qur'an Indonesia. “Surat Az-Zariyat ayat : 49”. <https://quran-id.com>

<sup>3</sup> Wahyu Wibisana.. “Pernikahan Dalam Islam”. Dalam Jurnal Pendidikan Agama Islam -Ta'lim Vol. 14 No. 2 – 2016.

<sup>4</sup> Via Al-Qur'an Indonesia. “Surat an Nisa ayat : 1”. <https://quran-id.com>

man to have sexual intercourse with a woman) with (beginning in the contract) the word marriage or married, or a similar meaning to the two words.<sup>5</sup> In an Islamic religious marriage, several stages are needed that must be carried out, namely the pillars of marriage. Pillars of marriage is an essential practice in a religion and worship. As for some of the conditions for marriage, namely the existence of a Guardian, Witness, Marriage Contract, Penghulu, Mahar (dowry) this must be carried out so that lovers are declared religiously valid and legal in State records.

As time goes by, this changing era has changed the mindset and views of all people in various fields, both in the economic, political and views on marriage. However, in this era, marriage has become a negative thing, for example, the rise of various forms of marriage, there are unregistered marriages, contract marriages, there are marriages that are only seen as status, and there are also marriages that don't want to have a child or are known as Childfree.

The term childfree began to develop in the late 20th century. Couples who decide to be childfree usually think that having children or not is a personal right and a human right that cannot be forced by anyone. The reason most often given by those who decide to become childfree is to suppress overpopulation. However, there is also an argument that states that this childfree trend comes along with a political campaign of body or body politics which assumes that a woman's body is hers so that no one has the right to force anything on her, including conceiving and having children.<sup>6</sup>

In Europe the term Childfree is not a foreign thing. The characteristics of residents who work diligently, are independent and don't want to be bothered with the presence of children are strong reasons for someone to decide to live without children or childfree. David Foot, an economist at the University of Toronto, argues that the tendency to be childless is correlated with girls' education. Highly educated women have a strong desire not to have children or to limit the number of children. They usually live in urban areas and tend not to be religious.<sup>7</sup> Childfree has appeared in the country of Indonesia which has become a topic of conversation, many people have accepted the issue of Childfree on social media and in society. Childfree, namely a marriage that makes an agreement and agreement between husband and wife not to have a child during the marriage. Childfree considers the presence of a child as a burden in their lives.

Childfree is another trend among young people of productive age. This is procrastination or even not wanting to have children. Childfree aims to make it easier for husband and wife to pursue careers and reduce expenses in the family. They perceive having a child in the family as an obstacle in carrying out their goals

---

<sup>5</sup> Abdurrahman al-Jaziri, al-Fiqh 'ala Madzahib al-Arba'ah, Beirut: Dar al-Fikr, 1986, Jilid IV, hlm. 212.

<sup>6</sup> Eva Fadhilah. "Childfree Dalam Perspektif Islam". *Dalam Jurnal Syariah dan Hukum*. Banten. 2021. Hml. 72.

<sup>7</sup> Novalinda Rahmayanti. "Childfree Sebagai Pilihan Hidup Perempuan Berkeluarga Di Kabupaten Sidoarjo". Surabaya. 2022. Hlm. 1.

and childfree also believes that having a child can cause quarrels in the family and in society, often embarrassing the family. This has become quite a controversial phenomenon because in the cultural construction of Indonesian society, children are considered a gift and also one of the goals of marriage. Childfree causes a decline in the human population into a regeneration that continues life in the world, especially in the State of Indonesia in the Medan City area.

To overcome this problem, the Ulama of Medan City need to make an agreement for Childfree, especially in Medan City so that people do not misunderstand the existence of Childfree in marriage, then the authors are motivated to conduct research to examine these problems by writing them in the form of a journal entitled "*Childfree Agreement in the Perspective of Medan City Scholars.*"

### **Method**

Normative legal research methods. This method is a scientific research procedure to find the truth based on scientific logic from a normative side with the results of interviews with informants conducted by researchers. Data collection was carried out through interviews, observation, and literature studies. Data analysis techniques were carried out through data triangulation methods.

### **Results and Discussion**

#### **Agreement**

Agreement or perception is a stimulus that is sensed by an individual which is then organized and interpreted so that the individual is aware of and understands what he senses.<sup>8</sup> In this case the agreement is a process related to the entry of information into the human brain. Perception becomes an interrogator in every individual for every stimulation he gets. What is in each individual such as thoughts, feelings, individual experiences will react actively in influencing the process of perception.

The factors that influence a person's agreement or perception are as follows; Internal factors, namely feelings, attitudes, individual personality, prejudices, desires or expectations, learning processes, psychiatric disorders, physical conditions, focal points, needs, interests and values and motivation. External factors, such as family background, knowledge and needs around, information obtained, things that are new to a familiar or unfamiliar object.<sup>9</sup>

#### **Childfree definition**

Marriage is a sacred relationship in living a new life with someone who is cared for and loved by a bond that is legally religious and state. Many people after marriage want to quickly get a new family that can change the atmosphere in the family, namely a child. Children are one of the most beautiful gifts given by God to his servant who expects the presence of a heart from the couple.

---

<sup>8</sup> Tony dan Barry Buzan, "*Memahami Peta Pikiran (The Mind Map Book)*", edisi Millennium, (Jakarta: Interaksara, 2000). Hlm: 251.

<sup>9</sup> Miftah Toha, "*Perilaku Organisasi Konsep Dasar Dan Aplikasi*," (Jakarta: Raja Grafindo Persada, 2003). Hlm. 154 2021.

According to R.A Koesnan "Children are young people at a young age in spirit and in their life's journey because they are easily influenced by their surroundings.<sup>10</sup> Nationally, the definition of a child according to legislation, among other things, explains that a child is someone who has not reached the age of 21 (twenty one) years or is not yet married. There are also those who say a child is someone who is not yet 18 (eighteen) years old. Law No. 23 of 2002 concerning child protection Article 1 point 1 explains that a child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb, while Law no. 3 of 1997 concerning Juvenile Justice, article 1 point 1 explains that a child is a person who in a delinquent case has reached the age of 8 (eight) years but has not yet reached the age of 18 (eighteen) years and has never been married.<sup>11</sup>

In child marriage, it is a beauty in the family so that they can continue the lineage of the family, but not for couples who do Childfree. Childfree is a decision or agreement or life choice for a couple not to have a child, be it a biological child or stepchild or adopted child. The word Childfree is mentioned for people who don't want to have a child. regarding childfree can be categorized into four forms, namely First, the study of the selection of committed to childfree using a psychological approach.<sup>12</sup> In this study it was understood that the happiness of husband and wife is not measured by having a child, in fact, harmony between husband and wife is the key to their happiness. Second, childfree seen from the socio-cultural aspect.<sup>13</sup> Third, the concept of childfree which shows the meaning of having offspring can have an effect on children's health.<sup>14</sup> Fourth, this childfree conception can cultivate gender bias, where a woman becomes a patriarchal object in fulfilling the wishes of her husband and family to have children.<sup>15</sup>

Childfree is a view in which a husband and wife choose not to have children. There are many reasons behind why someone and their partner decide to go childfree, including because of concerns about child development, personal problems, financial problems and even environmental issues. In the Qur'an in Surat an Nahl verse 72 also provides an explanation regarding Childfree which reads:

---

<sup>10</sup> R.A. Koesnan.2005. *Susunan Pidana dalam Negara Sosialis Indonesia*. Bandung. Sumur.hlm. 113

<sup>11</sup> Eta Kalasuso. 2016. *Peran Penyidik Dalam Melakukan Diversi Pada Tindak Pidana Penganiayaan yang Dilakukan Oleh Anak*. Jurnal ilmiah. Hal. 27

<sup>12</sup> Rena Kinnara Arlotas, Puja Miranda, dan Hasneli, "Gambaran Kebahagiaan Pada Wanita Involuntary Childless di Kenagarian Batubulek Kecamatan Lintau Buo Utara Kabupaten Tanah Datar," *Jurnal Psikologi Islam*, 12.2 (2021), 226–33; Ryan Mardiyani dan Erin Ratna Kustanti, "Kepuasan Pernikahan Pada Pasangan Yang Belum Memiliki Keturunan," *Empati*, 5.3 (2016), 558–65; Irma Yani, "Harmonisasi Keluarga Pasangan Suami Istri Yang Tidak Memiliki Keturunan Di Desa Bangun Jaya Kecamatan Tambusai Utara Kabupaten Rokan Hulu," *Jom Fisip*, 5.1 (2018), 1–14;

<sup>13</sup> Robert Pralat, "Sexual identities and reproductive orientations: Coming out as wanting (or not wanting) to have children," *Sexualities*, 24.1–2 (2021),

<sup>14</sup> M. Romauli Simatupang, "Pengaruh Pola Konsumsi, Aktivitas Fisik Dan Keturunan Terhadap Kejadian Obesitas Pada Siswa Sekolah Dasar Swasta Di Kecamatan Medan Baru Kota Medan" (Universitas Sumatera Utara Medan, 2008).

<sup>15</sup> Rosemary Gillespie, "Childfree and feminine: Understanding the gender identity of voluntarily childless women," *Gender and Society*, 17.1 (2003).

أَقْبَابًا الطَّيِّبَاتِ مِّنْ وَرَزَقِكُمْ وَحَفَدَةً بَيْنَ جُمَّمِ أَزْوَاجِكُمْ مِّنْ لَّكُمْ جَعَلَ وَ جَا أَزْوَاجِكُمْ مِّنْ لَّكُمْ جَعَلَ اللَّهُ وَ  
يَكْفُرُونَ هُمْ اللَّهُ وَبِنِعْمَتِ يُؤْمِنُونَ طَلِّ لَنَا

Meaning: And Allah made for you a partner (husband or wife) from your own kind and made children and grandchildren for you from your partner, and gave you sustenance from good. Why do they believe in the false and deny the favor of Allah.<sup>16</sup>

Childfree is usually done among married people at a young age and are more likely to live in urban areas and are not religious. The thinking of people who do this childfree is a couple who want to pursue a career and they also think about the needs of nature in the future. Because childfree people believe that if you have a child, it will increase your needs and become a burden on the family. Choosing to do Childfree because he was worried that he could not be responsible and would cause injury to his child. Childfree is a big decision that becomes the principle of her life with her husband. Childfree can be done in two ways, namely temporary Childfree and forever Childfree.

Some Medan city residents are of the opinion that having children is not an obligation, but rather a life choice and mutual agreement between husband and wife. Having children is not only giving birth, raising and educating. But there is a big responsibility on how we fulfill their rights and form them into quality children.<sup>17</sup> Childfree's view, to have a child is an immoral attitude, this was conveyed by [St. Augustine](#) as a follower of the Anisman faith, believes that it is immoral to have children, and thus (according to his belief system) traps souls in bodies..<sup>18</sup>

In the city of Medan, Childfree itself usually appears from a woman or wife, they are free to determine their life even though they are married and have a status as a wife. They think that if a wife already has a child it will burden them and hinder their career, moreover they used to work as career women before they got married. This was their reason to make Childfree in the family with her husband.

There are several deep factors why wives prefer to make the Childfree decision over having a child, namely; have many social and family responsibilities, such as being the primary caregiver or caregiver of a parent, sibling or partner with disabilities, financial problems, lack of access to support networks and resources, for personal well-being, health problems, including genetic disorders, fear that decreased sexual activity, various fears (for example, the experience of

---

<sup>16</sup> Via Al-Qur'an Indonesia. "surat An Nhal ayat 72." <https://quran-id.com>

<sup>17</sup> Novalinda Rahmayanti. "Childfree Sebagai Pilihan Hidup Perempuan Berkeluarga Di Kabupaten Sidoarjo". Surabaya. 2022. Hlm. 3

<sup>18</sup> Saint, Bishop of Hippo Augustine (1887). "Of the Symbol of the breast, and of the Shameful My sistem of the Manichaens." Chapter 18. Dalam Schaff. A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church, Volume IV. Grand Rapids

being held captive or disappointed) as well as fears for a child, damage or problems in a relationship, fears of physical changes due to pregnancy, childbirth experiences, and recovery.<sup>19</sup>

Seeing the explanation above, there are several reasons why in marriage the wife prefers to do Childfree, even though in Islamic religious teachings having a child is a gift from Allah SWT which is given by a pair of lovers in family life. It is found in Surah Al Furqan verse 74 which reads; Allah Subhanahu Wa Ta'ala says:

مَا لِمَا لِلْمُنْفِيْنَ جَعَلْنَا وَآءِ عِيْنٍ فُرَّةً وَذُرِّيَّتًا جِنَا اَزْوَآءًا مِنْ لَنَا هَبْ رَبَّنَا يُقُوْلُوْنَ اَلَّذِيْنَ وَآءِ

It means: "And those who say, O our Lord, grant us our spouses and our offspring as a delight to (our) hearts, and make us leaders for the pious." (QS. Al-Furqan 25: Verse 74).<sup>20</sup>

By explaining in the letter above that religion encourages a pair of lovers to be awarded a child in family life. This childfree will also bring up the pros and cons of the regeneration of the development of a country, especially the Medan City area. In an article written by Susan Stobert and Anna Kemeny, it is stated that childfree is a term for a group of people who have a strong desire not to have children based on their own choice. This group chose the word childfree over childless because the word childless means more to lose something they want, while childfree is a life choice not to have the desired offspring.<sup>21</sup>

### **Views of Medan City Ulama on Childfree**

The word ulama is often heard among the community, which means a scholar and a person who has a broad and deep understanding of religious knowledge. In the country of Indonesia itself, the word ulama that is often said is a scholar who has the meaning of a person who is knowledgeable, obeys religion and understands religious law. The words of scholars when connected with words or opinions such as hadith scholars, tafsir scholars who are knowledgeable people. According to the opinion among the current community that prevails until now, the word scholars are those who are experts or have advantages in the field of knowledge in the Islamic religion, such as exegesis, hadith experts, pen scholars and experts in the Arabic language as well as religious-related sciences.

The word scholar comes from the Arabic علماء plural of mufrad (single word) (علم) alim) which means a knowledgeable person or knowledgeable person. The word علم is an isim that is equated with isim fa'il, the word عالم is isim fa'il from

---

<sup>19</sup> Corinne Maier. "No Kids: Reasons For Not Having Children". 2007. Paris.hlm. 40

<sup>20</sup> Via Al-Qur'an Indonesia. "surat Al furqan ayat 74." <https://quran-id.com>

<sup>21</sup> Eva Fadhilah. "Childfree Dalam Perspektif Islam". *Dalam Jurnal Syariah dan Hukum*. Banten. 2021. Hml.73

fi'il (verb علم) alima) which means he is knowledgeable or already knows. While the word scholar ( علماء (means knowledgeable people or people who know).<sup>22</sup>

Scholars are people who have religious knowledge and knowledge, scholars who with this knowledge have fear and submit to Allah SWT. As people who have extensive knowledge, the Ulama have carved various roles in society, one of the roles of Ulama as Islamic figures, what should be noted is that they are an educated group who bring enlightenment to the surrounding community.<sup>23</sup>

Scholars are people who have religious knowledge and knowledge, scholars who with this knowledge have fear and submit to Allah SWT. As people who have extensive knowledge, the Ulama have carved various roles in society, one of the roles of Ulama as Islamic figures, what should be noted is that they are an educated group who bring enlightenment to the surrounding community.<sup>[16]</sup>

The word ulema cannot be separated in religion, because every person who gets the title of cleric then that person is known to the community as a person who has high and deep knowledge of religious knowledge, that is why he often shows himself as a decisive figure in religious matters, both religious history and Islamic religious law. The word ulema is obtained from among a group of Muslim people themselves, Muslim communities have contributed to the formation of ulemas on an ongoing basis, to get the title of cleric is not easy to obtain because there are certain conditions or processes to achieve this. The task of the Ulama of Medan City is to uphold amar makruf and nahi munkar, which means to affirm truth as truth and falsehood as evil with full wisdom and istiqomah. Judging from this function, the views of the Medan city scholars are very much needed on the existence of Childfree in marriage. Childfree is a husband and wife agreement not to have a child, either temporarily or permanently.

The Ulama of Medan City must carefully digest the issue that has become widespread among the public regarding childfree marriage. Medan city clerics must be able to explain and correct Childfree which is already widespread in Medan city whether or not it is good to apply Childfree in a marriage. So with this matter, it is necessary to have the perspective of the Medan city cleric towards Childfree so that the people of Medan do not misunderstand and misinterpret Childfree and whether there are prohibitions in religion and marriage laws regarding husband and wife not having a child in the family.

The results of the research conducted by researchers through the results of interviews by giving several questions to two Medan city scholars, namely Ustad Dr. Syukri Al Bani, M.A. and Ustad Dr. Imam Muttaqin and one ustad in the environment, namely ustad Bardansyah, S.Pdi as a source who gave his views on marriage which made the Childfree agreement. Ustadz Dr. Syukri Al Bani, M.A as a

---

<sup>22</sup> Mahmud Yunus, Kamus Arab Indonesia, (Jakarta : Yayasan Penyelenggara Penterjemah Pentafsir Al Our-An, Cet. I, 1973), hal. 278

<sup>23</sup> Muhammad Nur Aziz, Peran Ulama Dalam Perang Sabil Di Ambarawa Tahun 1945 (Skripsi Tidak Diterbitkan, san Sejarah Dan Kebudayaan Islam Fakultas Adab IAIN Sunan Ampel Surabaya).

Medan city scholar gave his views on childfree seen in the fiqh muamalah maliyah, namely the interaction between human beings, because the fiqh part is for worldly affairs such as marriage and law, So until now there has been no evidence or one text which clearly forbids a husband and wife not having children and in the Al ibahah that it is permissible for a husband and wife to choose between doing or not making an agreement to have children in marriage, and is only limited to a recommendation to have a child so that the case can be seen from Islamic law *maslahah mursalah* which means detached or free from information indicating whether or not Childfree is permissible. Ustad Dr. Syukri Al Bani, M.A. considers Childfree's case to be something good according to common sense with the consideration that it can create good or avoid bad things for the couple such as one of the couples who have an illness that makes it difficult to have children and if the woman is pregnant it can cause the woman to die. Ustad Dr. Shukri Al Bani gives one of the hadiths narrated by Al Ghazali in our Al Mustasyfa formulation of the *maslahah mursalah* as follows.

Unless it is attested by the Sharia to be invalid, nor by consideration of a specific text.

مُعَيَّنٌ نَصٌّ بِالْإِعْتِبَارِ وَلَا بِالْبُطْلَانِ الشَّرْعِ مَنْ لَهُ يَشْهَدُ مَالَمْ

Meaning: anything (*maslahah*) for which there is no evidence for him from *syara'* in the form of certain texts that nullify it and no one pays attention to it.

The results of interviews conducted by researchers with the second informant, namely Ustad Dr. Imam Muttaqin, M.A, he gave his views regarding Childfree that there is no clear text (Al Ashlu Al Ibahah) regarding the prohibition of not having children in marriage, but what is recommended by religion is to have children, regarding this Ustad Dr. imam muttaqin, M.A. explained about Childfree written by Sheikh Syauqi Ibrahim Alam from Dar Ifta Egypt, who issued fatwa number 4713, 5 February 2019 regarding the presence of offspring in the family. First, in Islam there is no statement in the Qur'an or Hadith that obliges husband and wife to have children. Second, there is an agreement between husband and wife not to have children. The reason is, being a parent is not a trivial thing, there is a big responsibility. Parents are in charge of loving children, raising, giving attention, and educating children. A husband and wife agreement not to have children is permissible in religion. Especially if there are clear reasons such as illness, worry about not being able to look after, love and educate children properly. Third, the unwillingness to have children, according to Sheikh Ibrahim Alam, is analogous to the case of *azal* or termination of intercourse before reaching an orgasm so that the husband's sperm comes out outside the wife's vaginal opening. This *azal* occurred in the era of the Prophet Muhammad and his companions, namely that husband and wife agreed to prevent birth (child-free) in this situation, it was determined by *azal*, and regarding *azal*, the scholars agreed that in fact the law is permissible, if there is an agreement between husband and wife.

Ustad Dr. Imam Muttaqin gives his view on producing offspring in a marriage that is *khabariya* and *targhib*. In addition, there is an explanation

ordering to choose a wife who is loved (al-wadud) and has the potential to give birth to many children (al-walud). Because the Prophet SAW felt happy with the large number of his people, the prophet said: "Marry the women you love and have the potential to have many children. Because I will truly feel happy because of the large number of my people compared to other people." This hadith was narrated by Imam Abu Dawud, Imam an-Nasa'i, Imam Baihaqi, Imam at-Tabarani.

Interview results from Ustad Bardansyah, S.Pdi as the third independent source. He gave his views on childfree married couples. His views on childfree marriages, argued that if a childless marriage is caused by a wife's illness which can kill the partner's life, it is permissible for the couple to enter into a contract not to have a biological child in the family. In Islamic teachings there is no obligation for a husband and wife to have a child, because there is no hadith and the Qur'an which prohibits not having children. In the context of criminal law and civil law, there are no sanctions or penalties for couples who commit childfree activities, except for couples who deliberately abort a pregnancy or an abortion, so this action is subject to a violation of the criminal law article 346 of the Criminal Code (KUHP), which carries a maximum prison sentence of four years.

## **Conclusion**

Marriages that carry out Childfree or marriages that do not have children as a result of an agreement between a husband and wife in the view of Medan city scholars are permissible, because until now there has been no evidence or one text (Al Ashlu) which clearly forbids a husband and wife not having a child and in Al ibahah that allows a husband and wife to choose between doing or not making an agreement to have children in marriage, and is only limited to having a child so that the case can be seen from Islamic law Maslahah Mursalah which means regardless or free from information indicating whether or not Childfree is permissible. marriages that do Childfree do not have texts (Al Ibahah) or arguments that clearly prohibit not having a child in marriage, but what is recommended by religion to have a child, related to this. Childfree, written by Sheikh Syauqi Ibrahim Alam from Dar Ifta Egypt, issued a fatwa number 4713, 5 February 2019 regarding the presence of offspring in output. First, in Islam there is no statement in the Qur'an or Hadith that obliges husband and wife to have children. Second, there is an agreement between husband and wife not to have children. The reason is, being a parent is not a trivial thing, there is a big responsibility. Parents are in charge of loving children, raising, giving attention, and educating children. A husband and wife agreement not to have children is permissible in religion. Especially if there are clear reasons such as illness, worry about not being able to look after, love and educate children properly. Third, the unwillingness to have children, according to Sheikh Ibrahim Alam, is analogous to the case of azal or termination of intercourse before reaching an orgasm so that the husband's sperm comes out outside the wife's vaginal opening. This azal occurred in the era of the Prophet Muhammad and his companions, namely that husband and wife agreed to prevent birth (child-free) in this situation, it was determined by azal, and regarding azal, the scholars agreed that in fact the law is permissible, if there is an agreement between husband and wife. ordered to choose a wife who is

loved (al-wadud) and has the potential to give birth to many children (al-walud). Because, Rasulullah SAW felt happy with the many people. The Prophet said: "Marry the women you love and have the potential to have many children. Because in fact I will feel happy because of the large number of my people compared to other people. From these results it can be concluded that in marriages that carry out Childfree agreements by husband and wife in the views of the clergy are allowed, because there are no clear texts or arguments forbidding Children's actions and Childfree's actions are still under investigation. Masalah Mursalah means freedom in taking advantage of a marriage, there is no provision that prohibits doing Childfree.

### References

- Abdurrahman al-Jaziri, al-Fiqh 'ala Madzahib al-Arba'ah, Beirut: Dar al-Fikr, 1986, Jilid IV, hlm. 212.  
Arti dari Istri menurut kamus besar bahasa indonesia (KBBI).  
[www.kkbi.web.id/istri-atau-isteri](http://www.kkbi.web.id/istri-atau-isteri)
- Bastiar. :*Pemenuhan Hak dan Kewajiban Suami Istri Mewujudkan Rumah Tangga Sakinah: Analisis Disharmonisasi Pasangan Suami Istri*. Aceh Lhokseumawe. 2018
- Corinne Maier. "No Kids: Reasons For Not Having Children". 2007. Paris.  
Defenisi Perspektif atau Pandangan menurut KBBI.  
<https://kkbi.web.id/pandangan>
- Dyah Purbasari Kusumaning Putri. "Pembagian Peran Dalam Rumah Tangga Pada Pasangan Suami Istri Jawa". Surakarta. 2015.
- Eta Kalasuso. 2016. Peran Penyidik Dalam Melakukan Diversi Pada Tindak Pidana Penganiayaan yang Dilakukan Oleh Anak. Jurnal ilmiah.
- Eva Fadhillah. "Childfree Dalam Perspektif Islam". *Dalam Jurnal Syariah dan Hukum*. Banten. 2021.
- Gillespie, Rosemary. "Childfree and feminine: Understanding the gender identity of voluntarily childless women," *Gender and Society*, 17.1 (2003).
- Kinnara Arlotas, Rena. Puja Miranda, dan Hasneli, "Gambaran Kebahagiaan Pada Wanita Involuntary Childless di Kenagarian Batubulek Kecamatan Lintau Buo Utara Kabupaten Tanah Datar," *Jurnal Psikologi Islam*, 12.2 (2021), 226-33;
- Ryan Mardiyana dan Erin Ratna Kustanti, "Kepuasan Pernikahan Pada Pasangan Yang Belum Memiliki Keturunan," *Empati*, 5.3 (2016), 558-65;
- Irma Yani, "Harmonisasi Keluarga Pasangan Suami Istri Yang Tidak Memiliki Keturunan Di Desa Bangun Jaya Kecamatan Tambusai Utara Kabupaten Rokan Hulu," *Jom Fisip*, 5.1 (2018), 1-14.
- Moh.Kusnadi dan Bintang R Saragi. "Ilmu Negara". Jakarta. Gaya Media Pratama, 1995.
- Muhammad Nur Aziz, Peran Ulama Dalam Perang Sabil Di Ambarawa Tahun 1945 (Skripsi Tidak Diterbitkan, san Sejarah Dan Kebudayaan Islam Fakultas Adab IAIN Sunan Ampel Surabaya).
- Mahmud Yunus, Kamus Arab Indonesia, (Jakarta : Yayasan Penyelenggara Penterjemah

- Pentafsir Al Our-An, Cet. I, 1973).
- Nugraheni, Mutia .”Suami istri putuskan tak mau punya anak Dalam pandangan Syekh Ibrahim Alam, dianalogikan dengan kasus azal”. Di akses 21 Agustus 2021. <https://dream.co.id>
- Pralat, Robert I”Sexual identities and reproductive orientations: Coming out as wanting (or not wanting) to have children,” *Sexualities*, 24.1–2 (2021),
- Rahmayanti, Novalida. *LChildfree Sebagai Pilihan Hidup Perempuan Berkeluarga Di Kabupaten Sidoarjo*. Surabaya. 2022. Hlm. 3
- Romauli Simatupang, M. “Pengaruh Pola Konsumsi, Aktivitas Fisik Dan Keturunan Terhadap Kejadian Obesitas Pada Siswa Sekolah Dasar Swasta Di Kecamatan Medan Baru Kota Medan” (Universitas Sumatera Utara Medan, 2008).
- Saint, Bishop of Hippo Augustine (1887). “*Of the Symbol of the breast, and of the Shameful My sistem of the Manichaens.*” Chapter 18. Dalam Schaff. *A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church, Volume IV*. Grand Rapids
- Via Al-Qur'an Indonesia. “*Surat an Nisa ayat : 1*”. <https://quran-id.com>
- Wahyu Wibisana.. “*Pernikahan Dalam Islam*”. Dalam *Jurnal Pendidikan Agama Islam -Ta'lim Vol. 14 No. 2 – 2016*.
- Via Al-Qur'an Indonesia.”*surat Al furqan ayat 74.*” <https://quran-id.com>
- Via Al-Qur'an Indonesia .”*surat Al An'am ayat 151.*” <https://quran-id.com>
- Via Al-Qur'an Indonesia .”*surat Al Imran Ayat 38-39.*” <https://quran-id.com>