

## **Childfree Analysis from the Perspective of Maqasid Sharia and Intersectional Feminism: Examining the Benefits of Sharia and Gender Justice**

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### **Abstract**

The phenomenon of childfree, the choice of married couples not to have children, is growing in modern society and has raised various issues, particularly in religious and social contexts. This study aims to analyze the practice of childfree from the perspective of Maqasid Sharia, the objectives of Islamic law in maintaining societal welfare, including the preservation of offspring (hifdz al-nasl). An intersectional feminist approach views this choice as part of women's struggle to achieve freedom, equality, and autonomy over their bodies and reproduction, confronted with patriarchal norms and social pressures. The research method used is qualitative, with a literature review and normative analysis approach, examining Islamic legal literature and Maqasid Sharia, as well as the views of relevant figures. This study uses Maqasid Sharia theory to assess whether childfree practices align with the objectives of Islamic law and family welfare, and intersectional feminist theory to understand the dynamics of gender, power, and women's freedom behind this phenomenon. The results of this study indicate that the option of being childless tends to conflict with Maqasid Sharia (Islamic principles) regarding the preservation of offspring as a primary need. However, this also reflects social changes and demands for individual freedom, particularly for women, within the context of gender and justice. This study recommends the need for a constructive dialogue between sharia principles and individual rights to achieve a balance between family interests and respect for personal freedom. These findings are expected to enrich the scientific discourse on the relationship between Islamic law, the family, and gender dynamics in the modern era.

**Keywords:** Childfree, maqasid sharia, intersectional feminism

### **Introduction**

The childfree phenomenon can be defined as the choice of individuals or couples who decide not to have children. In fact, the idea of childfree has been around for a long time, and it is a culture that has developed among couples in Western countries. In fact, in 2006, a study conducted by the National Center for Health Statistics in the United States found that half of women aged 35 to 44 who had not yet had children were part of the childfree group. They have the ability to become parents but choose not to. (Saogi & Saputa, 2025)

The choice of living without marriage or having children is a social topic that is increasingly attracting the attention of modern society, including the Muslim

community.(Addzaki 2025, n.d.) In the context of social plurality and changing values, the practice of chill-free has elicited diverse responses from both religious and social perspectives, particularly regarding the concepts of family, lineage, and gender roles. This lifestyle change merits further study because it has the potential to impact the primary objectives of Islamic law (Maqasid al-Syariah), particularly the preservation of lineage and the well-being of the family, which are fundamental to maintaining social balance and the continuity of the Muslim community. (Hilmi, 2024)

Globalization and the development of modernity also give rise to an urgent need to understand this issue through an inclusive gender justice lens, where an intersectional feminist perspective can provide a comprehensive analytical framework.(Siagian et al., 2025) Intersectional feminism highlights how power, freedom, and gender inequality are not shaped by a single dimension but by the interaction of multiple social identities and power structures.(Shiddiqoh, 2022) Thus, this study brings together Jasser Auda's Maqasid Syariah as a religious foundation with intersectional feminism as a critical approach in examining the practice of chillfree.

The purpose of this study is to examine in depth the perspective of Maqasid Syariah according to Jasser Auda on the practice of chillfree, outline the perspective of intersectional feminism in the context of freedom and gender equality, and analyze the impact of this socio-religious phenomenon on Muslim society. Using a qualitative descriptive method, the study uses a literature study approach and critical analysis of religious text sources, feminist theory, and secondary data related to the social phenomenon of chillfree.

### **Methods**

This research employed a qualitative method with library research techniques, collecting and analyzing data from various sources, such as books, articles, journals, and documents related to chill-free practices in Indonesia. It also examined Islamic legal studies on the Maqasid Syariah (objectives of Sharia) of Jasser Auda and intersectional feminism. (Sari, 2020) The data used were qualitative data obtained from primary and secondary sources. Primary sources consisted of primary literature related to the chill-free case, laws and regulations, fatwas, and official legal documents. Secondary sources included supporting materials such as scientific articles, research reports, and relevant book references as supplementary materials. (Amirudin, 2024)

## Results and Discussion

### A. Jasser Auda's Maqasid Syariah Perspective on Childfree Practices

Maqasid sharia developed by Jasser Auda is a theory that is very relevant and adaptive to the development of the times because it prioritizes a systems approach in Islamic law, which not only focuses on textual and traditional aspects, but also expands the scope of maqasid from merely preserving and protecting individuals to development and respect for human rights (human rights). Through a holistic, multidimensional, and interrelated approach, Auda makes maqasid sharia a dynamic and contextual legal basis, which is able to respond to current social, economic, and cultural challenges with the main goal of maintaining the welfare of the people as a whole in various aspects of life.(Mutholingah et al., 2018)

The first approach is divided into three categories: traditional, modernism, and postmodernism. The second approach is a systematic approach to create a new framework for thinking regarding the development of Islamic law in the contemporary era. Furthermore, as a tool for analysis, six aspects of Islamic legal epistemology will be briefly discussed, which serve to assess and answer the question of how the maqasid sharia is actually applied in the legal decision-making process during contemporary ijtihad.(Murti, 2021) These six approaches are:

#### 1. *Cognitive Nature*

Cognition, in this context, refers to Islamic jurisprudence (fiqh) as a form of religious understanding (including fiqh and ijma'), which is the result of human construction and consideration, not absolute truth or revelation itself. Auda emphasized that ijma' is merely a mechanism for collective deliberation among scholars in policy-making, not a definitive and absolute legal principle. Due to the nature of human thought, fiqh and the context of scholars are subject to change and are not free from the limitations of human cognition.(Murti, 2021)

This cognitive provision emphasizes the importance of considering a system that takes into account social context and public welfare. Jasser Auda believes that a childfree decision is not a wise one if it is not based on permissible Islamic reasons, because in Islam, marriage and having children are crucial for the continuation of humanity.

#### 2. *Wholeness*

In a systems approach, every cause-and-effect relationship is viewed as an element of the whole of reality. Integrating holistic and systematic thinking into the

foundation of understanding Islamic law is beneficial for developing Islamic legal philosophy, encompassing and considering aspects that might be overlooked in a simple cause-and-effect pattern. In this way, Islamic law can have a broader and more comprehensive perspective in addressing legal issues.(Murti, 2021)

In a complete system, explaining the cause and effect relationships in reality. Jasser Auda argues that childfree requires comprehensive consideration of various aspects, including religious, social, psychological, and economic aspects. Therefore, this system provides the opportunity to freeze according to the context of public interest and emergency situations, while still adhering to the principles of maqasid sharia.

### 3. *Openness (Self Renewal)*

Understanding this openness requires an additional requirement for a mujtahid in carrying out ijihad, namely mastery of a broad worldview. A mujtahid needs to thoroughly understand the social, political, economic, and cultural situation, including 'urf (traditional Islamic law) and various other influencing factors, and this is taken into consideration when drawing legal conclusions.(Debora et al., 2024)

The openness of the system provides an opportunity to evaluate and recognize the concept of childfree in specific circumstances, ensuring that it aligns with the objectives of sharia and does not harm the interests of the community. Thus, the open system in Islamic law supports legal adaptation to new phenomena such as childfree through a comprehensive and contextualized ijihad approach.

### 4. *Interralated Hirearchy*

According to Jasser Auda, the concept of "concept-based categorizations" is an integrative and systemic method that selects categorizations based on multidimensional concepts, rather than simply right or wrong. This approach equates the importance of various categories such as daruriyat, hajiyyat, and tahsiniyyat in ushul fiqh, so that all aspects of these needs must be considered equally in the analysis of Islamic law.(Murti, 2021)

This approach aligns with childfree practices, provided it is developed with serious consideration and considers the benefits of various aspects of the maqasid sharia, rather than simply rejecting children without a valid reason. This demonstrates that Islamic law shares a commonality in addressing new phenomena with an integrative, multidimensional approach.

### 5. *Multi Dimensionality*

This method only focuses on one element present in a single situation. Therefore, some fatwas issued are based on only one argument. (Murti, 2021) A law or fatwa based solely on a single argument without considering various aspects will feel incomplete and potentially unfair. Therefore, a multidimensional approach is highly appropriate for analyzing childfree practices, which require in-depth study from various perspectives to establish their legal and ethical standing in Islam. This approach encourages comprehensive and contextual *ijtihad* to produce balanced and informed decisions.

#### 6. *Purposefulness or Maqasid based approach*

The goal approach, or *maqasid*, is the pinnacle of the systems approach advocated by Jasser Auda. *Maqasid Sharia* is the primary goal of Islamic law, encompassing the principles of rationality, benefit, justice, and morality. *Maqasid* thought developed from the 5th to 8th centuries AH, with figures such as Abu Al-Mali Al-Juwayni, Al-Ghazali, and Al-Izz Ibn Abd Al-Salam developing the theory of the hierarchy of basic needs and linking the validity of legal rules to their purpose and wisdom. Priority is given to more basic needs (*daruriyat*) in the event of conflict. According to Auda, *Maqasid Sharia* must be viewed as a dynamic, contextual goal oriented toward the holistic and multidimensional welfare of humanity. This approach is expected to make a significant contribution to the reform and development of contemporary Islamic law. (Murti, 2021)

*Maqasid* emphasizes the importance of kindness and avoiding harm by paying attention to basic needs, such as preserving offspring (*hifdz an-nasl*). In the childfree view, the decision not to have children without strong arguments according to *Maqasid Syariah* is usually not in line with the objectives of *sharia*, especially in order to maintain offspring. However, if there are strong and valid reasons based on benefits, the choice to be childfree can be evaluated in a certain context. Therefore, childfree practices do not automatically conflict with *maqasid*, but need to be explained carefully through *maqasid* principles which emphasize goodness and justice in social and individual aspects. In other words, this *maqasid* approach is very suitable for studying childfree in a way that is flexible, contextual, and focuses on the welfare of the people.

Overall, these views indicate that childfree living is not permissible unless there is a clear and relevant reason. However, a comprehensive and adaptive approach to the principles of *sharia* allows for a broader and more nuanced analysis of the phenomenon of childfreedom, including the possibility that it may be permissible in certain situations for

the good of the community. Therefore, childfreedom is not entirely prohibited, but must be determined through in-depth ijtiḥad and in accordance with the principles of sharia.

Jasser Auda's approach to the principles of sharia places the protection of offspring (hifdz al-nasl) as a crucial aspect of the objectives of Islamic law. This not only emphasizes the textual aspects but also pays attention to the comprehensive and diverse system to safeguard the interests of the community as a whole. Using the six aspects of Islamic legal epistemology proposed by Auda, particularly cognition, openness, and a goal-based approach, the practice of childfreedom needs to be analyzed within a context consistent with sharia. The decision to not have children cannot be considered wise if it is not based on sound reasons according to sharia law, considering that preserving offspring is a primary goal and significant wisdom in marriage and the well-being of the family. (Marwinata et al., 2023)

However, the flexible and contextual nature of Maqasid Sharia allows for its application in emergencies or for specific purposes, without neglecting the principles of justice and social welfare. In this way, the choice to live without children affects the balance between individual rights and the interests of society, where the well-being of the family and the continuity of generations must be maintained as part of the maqasid sharia. Therefore, the practice of childfree does not automatically contradict Islamic law, but must be understood and examined more deeply through ijtiḥad in accordance with the principle of maqasid sharia, which prioritizes hifdz al-nasl in maintaining the needs of the community and broader social welfare. (Marwinata et al., 2023)

## **B. Intersectional Feminist Study of Childfree Practices**

Intersectionality, which highlights the various ways in which race and gender interplay, has a complex impact on Black women who often experience oppression. The primary goal of intersectionality is to explain the relationship between race and gender as it relates to social and political structures, as well as the representation of women of color. Thus, the core of intersectionality is to showcase identity and explain how society is shaped within the context of race and gender. (Mustaqim, 2018) Intersectionality is divided into three, namely structural intersectionality, political intersectionality, and representational intersectionality.

### **1. Structural Intersectionality**

Structural intersectionality explains how women experience multiple forms of oppression simultaneously in their lives, from poverty and job discrimination to racial discrimination, particularly against Black women who face these dual pressures in

society. It also highlights the laws and government policies that systematically marginalize women, thus reinforcing the structural inequities they experience.(Crenshaw, 1989)

The intersectional feminist approach views the decision not to have children as a legitimate choice and reflects women's autonomy and reproductive freedom. This approach recognizes that the decision to be childfree is influenced not only by personal choice but also by various complex structural networks such as patriarchy, social class, and traditional cultural norms. This approach rejects overly narrow views and allows women to control their bodies and reproductive lives, including choosing not to have children as a form of resistance to social domination and patriarchy. Therefore, from an intersectional feminist ethical perspective, choosing not to have children is not only permissible but also a form of recognition and empowerment for women from diverse social backgrounds.

## 2. Political Intersectionality

Intersectional politics refers to situations in which women experience conflict within the political agenda related to their identities, particularly regarding issues of race and gender. In a political context, differences in identity often create tension because these two elements, namely race and gender, are often the focus of different struggles. As a result, women's positions are often overlooked or underrepresented. This situation forces women to face various overlapping pressures and marginalizations, reflecting the complexity of power dynamics and injustice in politics. Therefore, intersectional politics emphasizes that women's struggles cannot be separated from the context of differences in identity that intersect and influence each other in the political world.(Crenshaw, 1989)

This approach highlights that the decision to be childfree is not simply a personal choice, but also a response to intertwined social, cultural, and political pressures, such as gender discrimination, social class, and traditional norms. Intersectional politics aligns with the practice of childfree because it provides a space for women to express their reproductive autonomy in the face of injustice. Thus, childfree can be seen as a form of resistance to multi-layered social and political domination, as well as a strategy for women to reclaim their rights in a system that often marginalizes women's voices.

## 3. Representational Intersectional

Representational intersectionality means that women are only considered as a small group and issues related to women are not considered important.(Crenshaw,

1989) In addition, representational intersectionality also includes the way popular culture constructs images of women based on race and gender which leads to the marginalization of women, because it does not pay attention to their real interests.(Mustaqim, 2018)

An intersectional representational analysis of childfree practices demonstrates that women who choose not to have children often experience marginalization due to the lack of attention to their images and issues in popular culture. Childfree practices align with this intersectional critique, demonstrating how childfree women confront generalizations and social constructs that limit their expression and fight for recognition of the diversity of experiences and life choices they have. Thus, childfree becomes part of the resistance against the marginalization women experience in the context of cultural and social representations.

The intersectionality approach supports the practice of childfree as a legitimate and justified phenomenon in the context of women fighting for their rights and freedoms, particularly when facing overlapping social, cultural, and political pressures. The concept of childfree is understood not simply as a personal choice, but as a complex response to various forms of structural, political, and representative oppression experienced by women. This approach emphasizes that the decision not to have children is an expression of independence, empowerment, and a strategy to resist patriarchal norms and marginalization in society across diverse backgrounds. Therefore, childfree is not only accepted but also valued as an empowering effort and recognition of women's diverse experiences in defending their rights to life, autonomy, and reproductive freedom amidst complex challenges.

The intersectional feminist approach emphasizes that reproductive rights are fundamental rights for women that must be respected and protected. Choosing not to have children is not simply a personal choice, but rather a form of assertion of independence and the right to one's own body and life. In this case, the decision not to have children is a form of resistance against social norms and patriarchal systems that often limit women's choices. Intersectional feminism understands how various identities and social pressures such as gender, race, class, and culture interact and influence women's freedom to determine their own path in life, including the decision not to have children. Thus, reproductive freedom in this context is a struggle for self-control and gender human rights.(Annisa & Ninin, 2024)

Furthermore, intersectional feminism views power as a complex and multi-level structure, where women often face more than one form of oppression simultaneously, such as patriarchy, racial discrimination, and social class. In the context of childfree, a woman's decision not to have children is seen as a form of resistance to the system of power that regulates and limits women's bodies and reproduction. The choice to live a childless life becomes a political act for women to reject social domination and reclaim their marginalized rights, including the right to regulate their reproduction and make decisions about their lives.(Almutiroh, n.d.)

Intersectional feminism emphasizes that gender equality is not just about formal equality of rights, but also about recognizing and respecting the diverse experiences of women, including those who choose not to have children. In this context, gender equality means that women are given equal treatment in making decisions about their lives, without experiencing the discrimination or stigma often attached to women who choose to be childfree. The childfree phenomenon challenges traditional norms that automatically position women as mothers, thus becoming part of an effort to expand the space for equality regarding reproductive rights and life choices. Intersectionality emphasizes the importance of recognizing layered identities, such as race and class, which also influence women's access to equality and freedom in reproductive matters.(Almutiroh, n.d.)

The childfree phenomenon should be seen as an effort to affirm that women have the right to determine their own destiny, without being bound by traditional gender norms that require women to always be mothers and primary caregivers. In other words, intersectional feminism not only fights for women's rights to freedom and power, but also requires equal and fair treatment, as well as recognition of the variety of gender experiences within various interconnected social identities. Therefore, the perspective of intersectional feminism shows that the childfree phenomenon is part of women's struggle to achieve freedom, power, and true gender equality. This phenomenon is not simply an individual choice, but rather a tactic of resistance against discriminatory structures that must be continuously encouraged and developed for the sake of social justice and women's human rights.

### **C. Social and Religious Impacts of Childfree Practices**

*Childfree is often considered controversial in a society that places a premium on marriage and childbearing, leading to stigma, social isolation, and relationship tension. However, this choice also opens up opportunities for dialogue and greater understanding of the reasons behind the decision, such as health concerns and economic circumstances. Psychologically, couples who choose childfree may face social pressure and guilt, but they*

*also experience the freedom to focus on self-development and other aspects of life.*(Muslih et al., 2024)

Jasser Auda's Maqasid Syariah perspective emphasizes that childfree practices need to be assessed contextually, taking into account the *maslahah* (benefit) underlying the decision. This practice does not necessarily conflict with the objectives of sharia if it is proven to bring social and individual benefits. Meanwhile, an intersectional feminist perspective views childfree as an expression of women's autonomy and a form of resistance to patriarchal norms, while simultaneously strengthening reproductive rights and freedom of choice. Therefore, childfree presents both challenges and opportunities for Muslim communities to understand the dynamics of gender justice and adaptive religious values in line with changing times.

In a religious context, there is no explicit text that obliges or prohibits couples from having children. However, Islam encourages its followers to multiply their children as long as they can fulfill this responsibility properly. Childfree practices in Islam cannot be directly deemed haram (forbidden); rather, their legal status depends on the intention and motive behind the decision. If the motivation is based on *maslahah* (benefit), such as health or economic reasons, then it is permissible. On the other hand, if the motivation comes from the influence of secular ideology, extreme feminism, or antinatalism which are considered to reject human nature and damage the goals of sharia, then it is haram.(Norhidayah, 2025)

Although the decision not to have children provides an opportunity for couples to prioritize self-development and improve their quality of life, among Indonesian Muslim communities who are heavily influenced by eastern values and traditional family norms, this phenomenon still faces significant social rejection and stigma.(Almutiroh, n.d.) Many couples who choose to be childfree feel emotional pressure from those around them, including negative comments from families and communities who see having children as the main responsibility of a marriage. From a maqasid sharia perspective, this challenge requires critical and innovative thinking so that Islamic law can maintain a balance between family interests and respect for the right to choose.(Almutiroh, n.d.) Thus, the childfree phenomenon can be seen as a reflection of social change as well as a challenge for Muslim society in finding a balance between religious, social and individual rights values.

### **Conclusion**

According to Jasser Auda, childfree practices, from the perspective of the maqasid sharia (Islamic principles of sharia), generally contradict the principle of preserving offspring (*hifdz*

al-nasl), one of the primary objectives of Islamic law. However, a systematic, holistic, and contextual approach opens up the possibility of flexible *ijtihad* to consider specific circumstances and specific interests. Therefore, the decision to live without children should not be taken arbitrarily, but must be based on clear sharia reasons for the benefit of the community as a whole.

From an intersectional feminist perspective, childfree is a form of social and political resistance against a patriarchal system that limits women's reproductive freedom and autonomy. The decision not to have children reflects women's struggle to claim their rights to their bodies and lives, and challenges traditional gender norms that position women solely as mothers. Childfree is also a manifestation of the complex dynamics related to women's social identity within the context of race, class, and culture.

Childfree practices have social impacts in the form of stigma, isolation, and tension in a society that prioritizes the value of procreation. However, this phenomenon also opens up dialogue about freedom of choice based on economic and health conditions. In a religious context, Islamic law does not expressly prohibit childfree, but rather judges it based on the underlying intentions and benefits. The *maqasid sharia* approach and intersectional feminism open up a space for dialogue that reconciles religious values with individual rights so that the childfree phenomenon can be understood as a natural response to modern socio-religious dynamics..

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