



The Childfree Phenomenon in Marriage in the Perspective of Maqashid Sharia

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Abstract. Childfree is an agreement between a married couple not to have children in their married life. Meanwhile, one of the goals of marriage is to get offspring. Based on this, the author examines how childfree develops in Muslim marriages in Indonesia and how the phenomenon of childfree in maqashid shari'ah review. This article is written using the library method (library research). Data sources are obtained from various reading materials and online documentary data, namely in the form of written documents and recorded documents. In analyzing the data, the author uses inductive, descriptive and comparative methods. From the results of the research that the author conducted, the author found that this childfree phenomenon has developed in Indonesia. This is known by the acknowledgment of childfree beliefs from several married couples who have Muslim status and the recognition of several public figures. Then it is also marked by the development of the ICC (Indonesia Childfree Community) community and social media accounts specifically for childfree people in Indonesia, one of which is the @childfreelife.id account with 2,855 followers. Furthermore, in the maqashid sharia review of the childfree phenomenon followed by some Indonesian people, it is not in accordance with maqashid sharia, precisely in the part -al-dharuriyat al-khamsah (five basic things that must be maintained) specifically about hifdz al-nasl, namely maintaining offspring.

Keywords: Childfree, Marriage, Offspring, Maqashid Shari'ah.

1. Introduction

In recent times, the stability of understanding related to obtaining offspring as a goal among several marital goals has been shaken by a term called childfree. In language, the word childfree comes from the English language, namely "child" means "child" and "free" means "free", when combined the two words mean childfree. While in terms of Childfree is a subculture and ideology characterized by an unwillingness to have children. In other words, childfree are people who refuse to have offspring for special reasons, even though they are reproductively healthy (Mel'nikova, 2019).

As for couples who want to have children but are constrained by biological health, these people are called childless (Agrillo & Nelini, 2008). Childless can also be defined as the state of being unable to have children involuntarily or against one's will (Fadhilah, 2022). The term childfree emerged and spread widely and quickly (viral) into discussions in Indonesia due to the statement of a public figure named Gita Safitri Devi in her personal Youtube channel which has 1.26 million subscribers.

On November 11, 2018 on the Youtube channel Gita Savitri Devi revealed that she and her partner decided not to have offspring (children) at all in their marriage. The reason they don't want to have offspring is not for health reasons, but one of the reasons is because they already feel happy enough and don't feel the need to have children. From then on, the term childfree became viral and became a discussion that is not finished to be discussed until now.

Meanwhile, one of the purposes of marriage in life is to produce legitimate children for future generations. To produce the expected offspring (replacement generation), Islam encourages its adherents to choose a pious (pious) partner. As in the hadith explained that "He (Rasulullah SAW) said, "Marry a fertile and loving woman, because with your large number I will be proud in front of the Prophets on the Day of Judgment." (HR. Ahmad dan dishahihkan Ibnu Hibban)(Shan`ani, 2007).

It can be understood from the above that starting a family is commanded and marrying a fertile woman is a recommendation to a Muslim, because fertile women tend to bear more offspring. This indicates that offspring is one of the missions of the family order. Because the existence of offspring is very important for human survival. Based on the description above, the author wants to examine this childfree phenomenon based on the maqashid shari'ah view. The term maqashid shari'ah comes from two words, namely maqashid and shari'ah. Maqashid. based on Arabic, namely from the scales of qashada-yaqshudu-qashdan among its meanings of holding fast, fair, straight or focused path, intent or purpose, intentional, strong desire, or intending something "(Wahyudi et al., 2023).

The word shari'ah means "religion, method, path and sunnah". While in terms of terms means "the rules that have been prescribed by Allah regarding creed and the laws of deeds". So the meaning of the combination of maqashid shari'ah is the target goal, or the final result in the form of the ultimate benefit with the establishment of the law by the creator to humans, or another understanding of maqashid shari'ah is the ultimate goal, wisdom, secrets, even values or norms and meanings of the establishment of a law(Helim, 2019).

Seeing from the problems described above, in this study the authors will explore information about how the development of childfree in Muslim marriages in Indonesia and how the phenomenon of childfree in maqashid sharia review? Because if this childfree lifestyle is made a principle by the community, it is likely that Indonesia will face a population crisis in the future as some countries have also experienced this. Based on the explanation above, the author is interested in researching the problem and pouring it into a discussion entitled The Childfree Phenomenon in Marriage in the Perspective of MaqashidSharia(Marni et al., 2023).

2. Methods

This type of research also uses the type of library research (library research/ juridical normative), namely data obtained from various written sources or reading materials in the form of books, journals, magazines or also forms of research reports such as theses, theses, and dissertations. As for this research, the author conducts activities to find and collect information related to childfree which then the author uses the maqashid shari'ah perspective as a basis for reviewing the phenomenon. The data sources that the author uses in this research are secondary data sources, with primary materials, secondary materials and tertiary materials.

Primary materials are materials that have binding power in general. In this research, the primary materials that the author uses are the holy Qur'an, the book of hadith, the book of maqashid shari'ah and the books of other scholars. Meanwhile, secondary materials are materials that provide an explanation of primary materials. For secondary materials, the authors use library data, namely data obtained from various written sources in the form of books, journals, as well as in the form of research reports (theses, theses, and dissertations), and documentary data which is also online, namely data obtained in the form of written documents or recorded documents such as videos that the author obtained from digital media such as personal Youtube videos of people who choose childfree in their lives and video

explanations from people who are competent in discussing the childfree issue. Tertiary materials are materials that provide explanations of primary and secondary materials, namely in the form of large Indonesian dictionaries, Arabic dictionaries and English dictionaries.

After finding the childfree phenomenon, the author searches for materials that are in accordance with the issue. After finding the materials needed, then the author classifies them according to the sub-discussion and then the author analyzes based on all the data that has been arranged using the maqashid sharia point of view. In interpreting the data obtained by the author, the author uses Inductive, descriptive, and comparative analysis methods. The research begins with empirical facts by studying the phenomena that occur, recording, analyzing, looking from the maqashid shari'ah point of view, and drawing conclusions from the process.

3. Results and Discussion

3.1. *Concept of Marriage*

The word nikah, according to the language, means to gather, or to describe an intimate relationship and a contract at the same time, which is known in shari'a as a marriage contract. Furthermore, in Shari'ah, nikah means a contract that allows a man to have fun with a woman, such as having sex, touching and so on, provided that the woman is not a mahram in terms of nasab, breastfeeding, and family (Zuhaili, 2011).

The legal basis for marriage is based on the Qur'an, as Allah says in QS. An-Nisa' verse 1. From this verse it can be understood that humans who exist today come from one self, namely the Prophet Adam. Through the marriage between Prophet Adam and Eve, offspring were born and from these offspring continue to multiply from time to time until now. Furthermore, regarding the purpose of marriage based on the opinion of Khoiruddin Nasution, when understood the verses that hint at the purpose of marriage, it can be concluded that the purpose of marriage is into five objectives: (Abror, 2017)

- a. To form a family that is sakinah, mawaddah and warahmah. As in QS. ar-Rum verse 21.
- b. To continue the offspring. This can be understood from the words of Allah Ta'ala in QS. an-Nisa' verse 1.
- c. To fulfill human biological needs. This can be understood from the words of Allah Ta'ala in QS. al-Ma'arij verse 29- 31.
- d. To maintain honor. This can also be understood from the words of Allah Ta'ala in QS. al-Ma'arij verse 29- 31.
- e. To worship Allah Ta'ala. This is understood from the words of Allah Ta'ala in QS. ad-dzariyat verse 56.

3.2. *Birth Restriction*

The method used by husband and wife in limiting births or spacing births is by using contraceptives (pregnancy preventers). These contraceptives include condoms, birth control pills, implants, vasectomy (severing of the vas deferens), tubectomy (severing of the fallopian tubes). There are also those who perform hysterectomy (removal of the uterus) as a way of contraception, although hysterectomy is not included in the recommended contraceptive methods (Tunggono, 2021).

Regarding the contraceptive methods above, it is important for a Muslim to know about the use of contraception. One of the widely known contraceptives is family planning. Family planning, as stated by the Indonesian Ulema Council, is permissible for use for the purpose of tanzhim an-nasl (spacing of offspring), not for tahdid an-nasl (restriction of offspring) in the sense of ta'qim (spaying) and abortion, if the purpose is not for spacing of

offspring and not because of an emergency based on medical reasons, then family planning is prohibited(Nafis, 2014).

The following act of vasectomy or tubectomy has also been given a fatwa by the Indonesian Ulema Council on June 13, 1979 which stipulates that vasectomy/tubectomy is haram. However, with the development of technology, vasectomy can be restored to its original condition. However, the ability to have children again will greatly decrease depending on the length of the vasectomy. Because of this, the Indonesian Ulema Council again issued a fatwa for the permissibility of vasectomy with conditions. The core of the fatwa states that the law of vasectomy is haram, unless it does not cause permanent sterility, can be recanalized (reconnection) which can restore the original reproductive function, is not harmful to those who do it, is not used as a way of stable contraception, and most importantly the goal does not violate the Sharia(Amin & Sholeh, 2012).

From the MUI fatwa, it can be understood that spacing offspring is permissible while the act of spaying is prohibited. As for hysterectomy, the removal of the uterus actually causes a woman who does it to no longer be able to get pregnant (barren). The discussion of hysterectomy cited by Puput Novi Arista in her thesis on the fatwa of the MUI is also discussed 8th Hai'ah Kibaril Ulama in Riyadh in 1396 H, The conclusion of the fatwa is that absolute restriction of offspring is haraam, not in accordance with the normal human nature that Allah has created. Absolute restriction of offspring is permissible in emergencies such as when the womb is affected by a disease that endangers the life of the sufferer and medically must be removed to save the patient's life(Arista, 2018).

This explanation is in accordance with the fatwa of the Indonesian Ulema Council, which permits the restriction of offspring due to medical emergencies. From the explanation above, it can be understood that any contraceptive method that is done with the intention not to regulate the spacing of offspring but to limit offspring (spaying). Then it is prohibited except for emergencies such as medical reasons(Liza et al., 2023).

3.3. Childfree Concept

The term "childfree" means "child-free"(Tunggono, 2021). In terms of the word childfree, it means a person's decision not to have children voluntarily without pressure or coercion from any aspect. This shows that childfree are those who choose not to have children even though they could have them(Siswanto et al., 2022). Furthermore, the definition of childfree in a marriage is an agreement taken by a married couple not to have children during their marriage(Fadhilah, 2022). Therefore, it can be understood that childfree are those who do not have children due to their own will.

Based on one of several sources. The history of the emergence of this childfree understanding has its roots in the United States which emerged in 1970 and was proposed by two women named Shirley Rudl and Helen Peck, they are activists who fight for women's rights. In 1973 they founded a national organization for childfree people called the National Organization for Non-Parents(Blackstone, 2014). The organization was intended as a form of defense for people with childless choices in their lives. The childfree movement became more popular in the United States in 1990 and eventually the ideology spread around the world(Mel'nikova, 2019). It was this movement that seemed to pioneer the formation of an organization for childfree people for the first time.

In 2013, childfree writers and activists revived Non-Parents Day, a celebration originally founded by the National Organization for Non-Parents. It was later renamed International Childfree Day, which serves to encourage the acceptance of childfree choices. Every year on Childfree Day, the International Childfree Man and Woman of the Year are honored for their efforts in promoting the acceptance of childfree choices in society(Blackstone, 2014).

Referring to Victoria Tunggono's quote in her book, that according to Corinne Maier in the book *No Kids: 40 Reasons For Not Having Children*, approximately the reasons for childfree people can be grouped into five categories: (Tunggono, 2021)

- a. Personal (from the realm of emotions and the inner self), such as disliking small children because they are often noisy and make a mess in the room.
- b. Medical and psychological (physical realm and subconscious), for example the trauma experienced by a person due to a disharmonious family where there are frequent arguments so that he feels he will inherit his parents' violence against children if he has children. Then physical limitations such as infertility and other diseases that are feared to be passed on to the child.
- c. Economic (material domain), the economic limitations experienced make a person think that he is unable to finance the life of a child, so he thinks that not having children is more appropriate for him.
- d. Philosophical (the realm of principles), for example, they think that by being childfree they can save the world from overpopulation, they think childfree people have a higher sense of sympathy because then the world becomes better, there are also those who think that having children is an act of narcissism, namely the desire to multiply themselves, highlight themselves to others by boasting of the children they have.
- e. Environmentally, some people feel that the population in this world is too much and the effects are damaging the earth, so childfree living can save the earth and save the next generation by not giving birth to them to live a bad life on this earth.

3.4. *The Concept of Maqashid Shari'ah*

Wahbah az-Zuhaili defines maqashid shari'ah as a number of meanings and objectives outlined in all or most of His laws, or the goals and secrets of sharia outlined by Allah (al-Syari') in each of His laws (Sarwat, 2019). As for some verses that are used as a legal basis for maqashid shari'ah, among them are the words of Allah in QS. al-Baqarah verse 185 which means "...Allah desires ease for you, and does not desire hardship for you..."

When viewed from the aspect of need and its influence on the law, maqashid sharia is divided into three levels, namely al-dharuriyyat (basic needs), al-hajiyyat (supporting needs), and al-tahsiniyyat (complementary needs) (Helim, 2019). However, in this discussion the author will focus on discussing al-dharuriyat. Because it is an important part of the author's research (Hizbullah et al., 2023).

al-Dharuriyyat (basic needs) is the highest level in maqashid shari'ah as a determinant of salvation in this world and the hereafter. It is something that must be fulfilled and if it is not fulfilled, there will be damage to human life in this world and the hereafter (Busyro, 2020). al-Dharuriyyat this level there are five main things that must be fulfilled which are known as al-dharuriyat al-khamsah, namely hifdz ad-din (maintaining religion), hifdz al-nafs (maintaining the soul), hifdz al-nasl (maintaining offspring), hifdz al-mal (maintaining property), and hifdz al-'aql (maintaining the mind) (Syathibi, 790). However, in its explanation, the author will focus on the discussion of hifdz al-nasl because this discussion is more focused on the research that the author is doing.

Hifdz al-Nasl means preserving offspring. To maintain the continuity of human life, Allah Ta'ala prescribed marriage between a man and a woman so that it can give birth to offspring, avoid the breaking of the nasab and maintain the continuity of human life on earth. As in the hadith discussed earlier, that Muslims are encouraged to marry fertile women in order to have many offspring.

In Islam, in addition to the sanctioning of marriage and the prohibition of adultery, this aims to maintain honor and dignity, because if a legal marriage is not carried out, there is no

honor related to the offspring produced (Busyro, 2015). Another form of maintenance of offspring that is prescribed is the prohibition to change the lineage or nasab as in QS. al-Ahzab verse 4-5 (Sarwat, 2019).

Still related to the command to preserve offspring in QS. al-An'am verse 151, in this verse, Allah, may He be glorified and exalted, forbids people from killing their children because they are afraid of poverty, while Allah, may He be exalted, is the one who provides sustenance. As Allah Ta'ala mentioned in QS. Hud verse 6, that it is Allah who guarantees sustenance and there is not a single creeping animal that escapes the guarantee of sustenance from Allah. The following proofs show the position and importance of offspring in life, among others: (Mufidah, 2014)

- a. A gift and favor from Allah Ta'ala (QS. al-Isra' verse 6).
- b. Is the adornment of the world's life (QS. al-Kahfi verse 46).
- c. A complement to the happiness of family life (QS. al-Furqan verse 74).
- d. As a form of grace for people who enjoy dhikr (QS. Nuh verse 10-12).
- e. The blessing of a righteous child's prayer (HR. Muslim no. 1631) (Nawawi, 2013).

3.5. Childfree development in Muslim marriage in Indonesia

The author will group the confessions of some of these public figures into two groups, namely people who think childfree and people who support childfree understanding. Among them are Gita Safitri Devi and her husband Paul Partohap (YouTuber with 1.26 million subscribers) (Gitasav, 2009) and Rina Nose with her husband Jossy Vallazza Aartsen (artist). Their reasoning is that children will only add problems to their already troubled lives. And they feel happy enough with a childless couple (Gitasav, 2009; Ricardo, 2022). Meanwhile, public figures who support childfree include Cinta Laura, a Muslim artist (Ashanty, 2021), Dwinov is a Muslim presenter (Rose, 2022), Juna is a public figure (Laura, 2021), and Victoria Tunggono, a writer (Tunggono, 2021). They support childfree and plan to be childfree in their lives. Because the world is already overpopulated, he thinks it is better to help existing abandoned children than to give birth to more humans to this earth (Ashanty, 2021; Laura, 2021; Rose, 2022; Tunggono, 2021).

The writing about childfree by Victoria Tunggono with the title "Childfree and Happy" not only tells about herself who believes in childfree but in the book there are also the results of her interviews with 16 other childfree people. They were asked for their opinions and reasons for choosing childfree, some of them were Muslim and non-Muslim and all of the interviewees were Indonesian citizens. Victoria Tunggono and the 16 childfree people in her book are also members of the ICC community (Indonesia Childfree Community) (Tunggono, 2021).

From the research that the author conducted, it was found that the childfree phenomenon did not start from the viral year of Gita Safitri in 2018, but has existed since February 2016, a social media community containing people who hold childfree views was found. The group is called Indonesia Childfree Community (ICC) which has 379 members. The group is closed (Rahmadi, 2023). In addition to the ICC group, there are also @childfreeIndonesia accounts created on June 15, 2019 with 641 followers, @childfreelife.id created on August 25, 2018 with 2855 followers, @childfreemilenialIndonesia created on August 4, 2020 with 505 followers. This Instagram group is open. While on Facebook there is an account @childfree_Indonesia created on May 29, 2021 with 390 followers, @childfree_life_Indonesia created on August 27, 2018 with 264 followers. Some of these groups are closed only to people who pass the assessment of the group admin regarding the reasons for choosing childfree and some are open so that the account can be visited by people who are not childfree.

In addition to recognition from public figures and data obtained from social media, the author also found literature containing three families who practice childfree understanding in the Yogyakarta area. The three families have various reasons for choosing childfree. Some of the reasons are human overpopulation on earth, trauma, and feeling happy without children. The method used by the three families to carry out the understanding of childfree is to use contraception such as birth control pills, which is done by the first family. Whereas in the second family, they prefer a hysterectomy (remove the uterus) on the grounds that there is a 100 percent chance of not having children, although the price is expensive but the important thing is that the results are more guaranteed. In the third family, they still use contraceptives but they plan to remove the uterus as well to avoid the unwanted presence of children (Afifah, 2022).

Based on data from the Central Bureau of Statistics (BPS), it is found that births in Indonesia have decreased in the last five decades. This can be seen from the 1971 population census which recorded that the total birth rate was 5.61, which means that around five to six children were born to a woman during her reproductive period. Meanwhile, based on the SP2020 Long Form, the total birth rate is 2.18, which means that a woman only gives birth to about two children during her reproductive period (Ketenagakerjaan, 2023). This data clearly shows the decline in the birth rate in Indonesia.

3.6. A *Maqashid Shari'ah* Review of the Childfree Phenomenon

Previously it was explained that offspring are very important, that's why in *maqashid shari'ah* there is what is called *hifdz al-nasl* (preserving offspring) which is part of *al-dharuriyat al-khamsah* (five basic things that must be maintained). Things that are included in this part of *al-dharuriyat* are the main things that must be maintained in life. If this is not fulfilled, there will be damage to human life in this world and in the hereafter (Busyro, 2020).

The childfree phenomenon that has caught the public's attention lately is understood as an agreement taken by a married couple not to have children while in married life, or it can also be called childfree as an effort to cut off offspring. From this it is clear that this understanding of childfree is not in accordance with *maqashid shari'ah*, precisely in the section of *hifdz an-nasl* (preserving offspring). Because one of the *maqashid shari'ah* (the purpose of *pensyari'atan*) marriage is to connect offspring so that the bloodline is not cut off (Abror, 2017).

Next, related to the methods taken by childfree people in realizing their understanding, namely by using contraceptives such as condoms, birth control pills, and implants. In addition, there are also other methods such as vasectomy, tubectomy, and hysterectomy (removal of the uterus) which result in the woman not being able to get pregnant again. Meanwhile, based on the fatwa of the Indonesian Ulema Council, contraceptives may be used for the purpose of *tanzhim an-nasl* (spacing of offspring), not for *tahdid an-nasl* (restriction of offspring) in the sense of *ta'qim* (spaying) and abortion. If the purpose is not to regulate the spacing of offspring and not because of an emergency based on medical reasons, then family planning is prohibited.

Contraception by means of vasectomy/tubectomy has also been given a fatwa by the Indonesian Ulema Council. The content of the fatwa states that the law of vasectomy is haram, unless it does not cause permanent sterility, can be recanalized (reconnection) which can restore the original reproductive function, is not harmful to those who do it, is not used as a way of stable contraception, and most importantly the goal does not violate the *Shari'a* (Amin & Sholeh, 2012).

From this fatwa, it can be understood that whatever methods are used by childfree people to realize their understanding, none of them can be justified, and all of them are

prohibited because the purpose of childfree is to reject the birth of children in life, not to regulate the spacing of children. There are even those who deliberately choose the method of spaying and neutering so that the principle of childfree that is understood is more guaranteed to be achieved.

The understanding of childfree or the methods taken to do childfree are things that are not in accordance with maqashid sharia. Maqashid shari'ah aims for the benefit of humans. Masalah in maqashid syariah is a definite masalah because it comes from Allah Ta'ala as Shari' (Lawmaker). So with this incompatibility, it can be ascertained that the things caused by this understanding are only damage, one of which is the breakup of offspring.

4. Conclusion

Based on the analysis that has been carried out on the problem entitled The Childfree Phenomenon in Marriage in the Maqashid Shari'ah Review. So it can be concluded that the development of childfree in Muslim marriages in Indonesia is marked by the recognition of childfree from several Muslim married couples and recognition from several public figures. Then it is also evident that the development of childfree understanding in Indonesia is evidenced by the existence of the ICC community (Indonesia Childfree Community) which has 379 members and a social media account @childfreelife.id with a current number of followers of 2,855 followers. All of this is evidence of the development of childfree understanding in Indonesia, which was originally the understanding of western countries, is now understood and practiced also by Indonesian people who are predominantly Muslim.

The Maqashid Shari'ah review of the childfree phenomenon results in the conclusion that the childfree phenomenon is not in accordance with maqashid shari'ah, namely in the al-dharuriyat al-khamsah section (five main things that must be maintained), especially regarding hifdz al-nasl, namely maintaining offspring. Because maqashid shari'ah wants the continuity of the bloodline, while childfree results in the disconnection of the bloodline.

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