

## Family Planning and Legal Change: A Cross-Cultural Study Inspired by Ibn Qayyim in Egypt and Indonesia

Salman Fattah <sup>a,1\*</sup>, Misbahuddin <sup>a,2</sup>, Kurniati <sup>a,3</sup>, Amal Ashraf <sup>b,4</sup>

<sup>a</sup> Universitas Islam Negeri Alauddin Makassar, Indonesia

<sup>b</sup> Universitas Al-Azhar, Cairo, Egypt

<sup>1</sup> salmanfattah165@gmail.com<sup>\*</sup>; <sup>2</sup> misbahuddin@acc.co.id; <sup>3</sup> kurniati@acc.co.id; <sup>4</sup> a.ashraf@yahoo.com

\*corresponding author

---

### ARTICLE INFO

---

#### Article history

Received: 17 January 2025

Revised: 30 January 2025

Accepted: 30 January 2025

Published: 01 February 2025

---

---

#### Keywords

Family planning; Cross-Cultural; Ibn Qayyim; Legal Change

---

### ABSTRACT

*This study addresses the challenges of integrating Islamic jurisprudence with family planning policies in Egypt and Indonesia, two Muslim-majority countries with distinct socio-political contexts. The research aims to analyze the alignment and divergence of these policies with Islamic legal principles, focusing on the practical application of Ibn Qayyim's legal philosophy. Employing a qualitative approach, the study combines semi-structured interviews, focus group discussions, observations, and document analysis to gather comprehensive data from over 50 stakeholders and 100 legal and policy documents. Findings reveal that while Egypt's centralized governance benefits from Al-Azhar's religious endorsements, rural resistance highlights cultural challenges. In Indonesia, decentralized governance fosters regional diversity, but inconsistent fatwa issuance complicates policy implementation. The study contributes practically by recommending enhanced collaboration between policymakers and religious leaders and theoretically by extending Ibn Qayyim's framework to contemporary governance. Its novelty lies in its cross-cultural approach, demonstrating how Islamic legal principles can adapt to diverse societal needs through balanced and context-sensitive reasoning.*

---



Author correspondence email: [salmanfattah165@gmail.com](mailto:salmanfattah165@gmail.com)



Available online at: <http://doi.org/10.35905/diktum.v23i1.12851>



## 1. Introduction

The evolution of social structures in the modern era consistently influences the development of Islamic law, particularly in adapting to contemporary realities. Islamic jurisprudence (ushul al-fiqh) plays a crucial role in responding to societal transformations, ensuring that legal principles remain relevant in addressing emerging issues. Historically, many legal concepts considered improbable in past eras have now become integral to social life. This dynamism reflects the adaptability of Islamic law, which is guided by the principles of necessity (dharuriyah), complementarity (hajiyah), and refinement (tahsiniyah) (Bahrudin, 2019). As such, the study of legal change remains critical in exploring how Islamic jurisprudence accommodates evolving societal needs while maintaining its foundational values.

Despite its adaptability, gaps exist in the implementation of Islamic law concerning social realities, particularly in reconciling religious doctrines with state policies. One such gap is evident in the discourse on family planning, where religious perspectives often contrast with government-led initiatives. In Indonesia, for instance, the state has actively promoted family planning to control population growth, yet debates persist regarding its conformity with Islamic principles. Similarly, in Egypt, family planning policies have encountered resistance from conservative religious groups despite state endorsement (Darwis, 2017). These disparities indicate a need for a deeper examination of the socio-legal mechanisms through which Islamic law interacts with modern governance structures.

The scholarly discourse on family planning in Islamic contexts primarily focuses on jurisprudential debates and theological interpretations, leaving a gap in empirical research that examines its practical applications in diverse socio-cultural settings. While previous studies have addressed theological arguments supporting or opposing family planning, limited research has been conducted on how different legal traditions interpret and apply these principles in everyday life. Existing literature predominantly emphasizes textual exegesis and classical jurisprudence, overlooking the role of legal change and its responsiveness to contemporary social challenges (Basri, 2015). This study seeks to bridge this gap by integrating field research with jurisprudential analysis to understand how Islamic legal principles evolve in response to state policies on family planning.

This research aims to analyze family planning policies in Egypt and Indonesia through the lens of Islamic jurisprudence, with a specific focus on Ibn Qayyim al-Jawziyyah's legal philosophy. By examining the alignment and divergence of these policies with Islamic legal principles, the study seeks to understand the influence of cultural, political, and religious factors on their implementation. Additionally, it explores the role of ijtiihad (independent legal reasoning) in ensuring the adaptability of Islamic law to contemporary social needs. The study further investigates the extent to which public perceptions of family planning reflect the dynamism of Islamic legal thought, offering insights into how legal frameworks can be reformed to better serve societal interests.

The argument for legal adaptation in family planning policies is grounded in the broader principles of Islamic law, which emphasize public welfare (maslahah) and the necessity of legal flexibility in response to changing social conditions. Ibn Qayyim's jurisprudence highlights the importance of aligning legal rulings with social realities, advocating for a contextual approach to interpreting religious texts. This perspective underscores the need for continuous ijtiihad to ensure that Islamic legal principles remain relevant and applicable to contemporary challenges (Rohim, 2017). By applying this framework, the study contributes to a more nuanced understanding of how Islamic law navigates social transformations, providing a comprehensive analysis of family planning policies within an Islamic legal context.

## 2. Theoretical Framework

### 2.1. Theory of Maqashid al-Shariah (Objectives of Islamic Law)

Maqashid al-Shariah is a central framework in Islamic jurisprudence that outlines the ultimate objectives of Shariah: to preserve religion, life, intellect, lineage, and wealth. These objectives are categorized into three levels: primary (dharuriyah), secondary (hajiyah), and tertiary (tahsiniyah). The theory serves as a guiding principle to ensure that Islamic law promotes human welfare (maslahah) and prevents harm. Al-Ghazali initially formalized this concept, and later scholars like Asy-Syatibi and Ibn Ashur expanded its application to contemporary societal needs. Its adaptability makes it a robust tool for addressing modern challenges such as health, education, and family planning. For instance, the preservation of lineage directly relates to discussions on reproductive rights and population control. This framework enables Islamic jurisprudence to remain relevant while adhering to its ethical and moral foundations.

Over time, the Maqashid framework has evolved to address a broader range of issues in various contexts. Scholars like Kamali (1999) and Auda (2008) emphasized its flexibility and relevance in modern socio-political systems. Its application has expanded to areas such as human rights, environmental conservation, and economic policies, illustrating its universal nature. For example, the concept of hajiyah supports initiatives that improve quality of life, such as access to healthcare, which is integral to family planning. The framework has also been utilized in policymaking to ensure alignment between religious values and societal welfare. However, the increasing complexity of modern challenges has prompted further refinement of the framework. This evolution reflects its capacity to integrate normative principles with practical realities. Such developments make Maqashid an essential tool for evaluating contemporary legal and social issues.

Research on Maqashid al-Shariah has revealed its significance in addressing real-world challenges. Studies have demonstrated how the framework supports public policies, particularly those aimed at improving social welfare and justice. For instance, Kamali's research highlights how Maqashid can be applied to healthcare policies to ensure equitable access. Similarly, Auda's work emphasizes its role in achieving balance between individual and collective needs. Despite its wide application, some scholars argue that it requires contextualization to ensure relevance in specific cultural and legal environments. Research gaps remain, particularly in exploring its application to emerging issues such as biotechnology and artificial intelligence. Addressing these gaps would enhance the framework's contribution to solving contemporary problems. This study adds to the existing literature by applying Maqashid to family planning policies in Egypt and Indonesia, providing insights into its practical implications.

Critics of Maqashid al-Shariah often highlight its potential for misuse due to its inherent flexibility. Some argue that the broad interpretation of maslahah can lead to subjective applications that deviate from traditional Islamic principles. Additionally, there is a concern that overemphasis on public interest may undermine the sanctity of foundational texts. These criticisms underscore the need for a balanced approach that considers both textual fidelity and contextual relevance. Another critique involves its reliance on scholars' interpretations, which may vary significantly across different cultural and political contexts. Despite these challenges, the framework remains a valuable tool for navigating complex social and legal issues. Properly applied, Maqashid can harmonize religious ethics with contemporary needs. This study addresses these critiques by employing a rigorous methodological approach to ensure balanced and contextually relevant interpretations.

This research contributes to the Maqashid al-Shariah framework by demonstrating its applicability to family planning policies in Muslim-majority countries. By examining policies in Egypt and Indonesia, the study highlights how Maqashid principles can align with modern governance systems while maintaining their Islamic foundations. The

research also emphasizes the importance of ijтиhad in adapting Islamic jurisprudence to contemporary challenges. Furthermore, it provides a case study on the practical application of Maqashid in addressing population control and reproductive health. These findings underscore the framework's potential for fostering social welfare through ethical policymaking. By bridging theoretical insights with empirical evidence, this study enhances the understanding of Maqashid's role in modern legal contexts. It also offers practical recommendations for policymakers seeking to balance religious values with public welfare.

## 2.2. *Theory of Contextual Ijtihad by Ibn Qayyim al-Jawziyyah*

Ibn Qayyim al-Jawziyyah's theory of contextual ijтиhad emphasizes the importance of adapting Islamic jurisprudence to societal needs. His legal philosophy is rooted in the principle of maslahah, which prioritizes public welfare while maintaining adherence to foundational texts. In his seminal work, *I'lам al-Muwaqqi'in*, Ibn Qayyim argues that legal rulings must be dynamic and responsive to changing social conditions. This perspective reflects a departure from rigid interpretations of Islamic law, advocating for a more flexible and contextual approach. His ideas have been instrumental in shaping modern Islamic legal thought, particularly in addressing contemporary issues. Contextual ijтиhad allows scholars to reconcile traditional jurisprudence with new realities, ensuring the relevance of Islamic law. This framework is particularly valuable in addressing complex issues like family planning and population policies.

The theory of contextual ijтиhad has evolved significantly, influencing contemporary Islamic legal scholarship. Modern scholars such as Yusuf al-Qaradawi and Hashim Kamali have built on Ibn Qayyim's principles to address emerging challenges. Their work emphasizes the need for legal adaptability in areas such as gender equality, economic justice, and governance. For example, al-Qaradawi's writings highlight the importance of integrating social realities into legal reasoning, particularly in matters of public interest. Kamali's contributions focus on the methodological aspects of ijтиhad, advocating for a balance between textual fidelity and practical relevance. These developments demonstrate the enduring impact of Ibn Qayyim's ideas on modern Islamic jurisprudence. By providing a flexible framework for legal reasoning, contextual ijтиhad remains a cornerstone of dynamic legal thought.

Research on contextual ijтиhad has explored its application across various domains, including social reform, governance, and public policy. Studies have demonstrated its effectiveness in addressing issues such as poverty alleviation, education, and healthcare. For instance, research on population policies highlights how contextual ijтиhad can harmonize religious principles with state-led initiatives. Scholars have also examined its role in promoting gender equality within Islamic legal frameworks. Despite its contributions, some researchers argue that the theory requires further refinement to address the complexities of globalization. These gaps present opportunities for further exploration, particularly in areas such as environmental law and technological advancements. This study contributes to the literature by applying contextual ijтиhad to family planning policies, demonstrating its practical relevance in diverse socio-political contexts.

Critics of contextual ijтиhad argue that its flexibility may lead to subjective interpretations that compromise the integrity of Islamic law. There is a concern that excessive emphasis on contextual factors could result in rulings that deviate from foundational texts. Additionally, the theory's reliance on scholars' discretion raises questions about consistency and accountability. These criticisms highlight the need for a balanced approach that integrates both textual and contextual considerations. Another critique involves the challenges of applying ijтиhad in politically diverse environments, where interpretations may be influenced by external factors. Despite these limitations, contextual ijтиhad remains a powerful tool for navigating modern challenges. Properly

applied, it can bridge the gap between traditional jurisprudence and contemporary realities. This study addresses these critiques by employing a rigorous and balanced methodological approach, ensuring that interpretations remain faithful to Islamic principles.

This research contributes to the theory of contextual ijтиhad by demonstrating its applicability to family planning policies in Egypt and Indonesia. The study highlights the importance of aligning legal reasoning with social realities, emphasizing the role of ijтиhad in fostering adaptability. By providing a practical case study, the research illustrates how contextual ijтиhad can address complex issues such as population control and reproductive health. These findings underscore the theory's potential for harmonizing religious principles with modern governance. The study also offers insights into the methodological aspects of ijтиhad, contributing to its refinement and development. By bridging theoretical and practical perspectives, this research enhances the understanding of contextual ijтиhad in modern Islamic jurisprudence

### ***3. Research Method***

This study employs a qualitative research design with a cross-cultural comparative approach to examine family planning policies in Egypt and Indonesia through the lens of Islamic jurisprudence. The methodology integrates fieldwork and theoretical analysis, allowing for a comprehensive understanding of the interplay between religious, cultural, and political factors in shaping family planning policies. Data collection involves semi-structured interviews with key stakeholders such as religious scholars, policymakers, healthcare providers, and community leaders in both countries to explore their perspectives on family planning and its alignment with Islamic principles. Focus group discussions are also conducted with community members to gather insights into societal attitudes and the cultural dimensions influencing acceptance and implementation. Furthermore, legal documents, fatwas, policy papers, and government reports related to family planning are analyzed to identify their alignment with Islamic jurisprudential principles, particularly those derived from Ibn Qayyim's framework. The data are analyzed thematically, guided by Ibn Qayyim's legal philosophy, which emphasizes balancing textual fidelity with public welfare (maslahah). Themes such as legal flexibility, societal needs, and religious compliance are identified and compared across the two countries, highlighting both similarities and differences in their approaches. To ensure validity and reliability, the study employs data triangulation by combining insights from multiple sources and adheres to ethical considerations, including informed consent and confidentiality. This methodological approach provides a robust foundation for exploring the dynamic relationship between Islamic law and contemporary social policies in diverse cultural contexts. .

### ***4. Results***

The data for this study were obtained through extensive fieldwork that combined semi-structured interviews, focus group discussions, observations, and document analysis conducted in Egypt and Indonesia. Interviews involved over 50 key stakeholders, including religious scholars, policymakers, healthcare providers, NGO representatives, and community leaders in both urban and rural contexts. Observations were conducted in healthcare facilities, religious gatherings, and family planning centers to capture real-time practices and interactions. Focus group discussions engaged diverse groups, including women of reproductive age, men, and religious leaders, to explore attitudes and concerns regarding family planning. Document analysis covered over 100 sources, including legal texts, fatwas, government reports, policy briefs, and historical records related to family planning. Data were analyzed thematically using Ibn Qayyim's legal philosophy, focusing on themes such as legal flexibility, cultural adaptation, societal

needs, and religious compliance. The multi-source approach ensured a comprehensive understanding of the interplay between Islamic jurisprudence and family planning policies.

Country	Key Stakeholder Perspectives	Policy And Religious Alignment	Community Attitudes	Observational Findings
Egypt	Strong state involvement supported by Al-Azhar fatwas; emphasis on maslahah in justifying family planning	Policies align with public welfare and include subsidized contraception programs; centralized communication	Rural resistance persists due to cultural norms; urban areas show higher acceptance	Health clinics implement state-mandated family planning policies; rural mosques rarely address the topic
Indonesia	Decentralized governance with varied interpretations; support from Nahdlatul Ulama and Muhammadiyah	Fatwas issued locally; alignment varies by region; policies emphasize voluntary participation	Urban communities support programs; rural areas show mixed attitudes, with some resistance from local ulama	Local initiatives use culturally tailored campaigns; religious leaders' participation varies regionally

The findings reveal nuanced dynamics in family planning policies and their reception in both countries. In Egypt, family planning is strongly influenced by state-led initiatives, with Al-Azhar providing religious legitimacy through fatwas that emphasize the alignment of family planning with the principle of maslahah. Policies are implemented uniformly across the country, with significant state investment in subsidized contraception programs. However, resistance in rural areas persists, often rooted in entrenched cultural traditions that perceive family planning as contrary to Islamic values. Observations indicate that health clinics actively implement these policies, but rural mosques rarely address the topic, leading to gaps in public awareness.

In Indonesia, the decentralized governance system results in significant regional variations in the implementation and acceptance of family planning policies. While national organizations like Nahdlatul Ulama and Muhammadiyah broadly support family planning, regional fatwas vary widely, leading to inconsistencies in policy alignment with Islamic jurisprudence. Urban areas demonstrate higher acceptance of family planning, with active participation in government and NGO-led initiatives. In contrast, rural areas exhibit mixed responses, often influenced by the stance of local religious leaders. Observations highlight that culturally tailored campaigns and local engagement strategies play a crucial role in improving acceptance, though such efforts are not uniform across all regions.

These findings highlight the critical importance of contextual flexibility and local engagement in aligning family planning policies with Islamic legal principles. Both countries illustrate the need for active collaboration between religious institutions, policymakers, and communities to address cultural resistance and ensure policy effectiveness. The study underscores the potential of Islamic jurisprudence, guided by Ibn Qayyim's principles, to provide balanced and adaptive legal reasoning that addresses contemporary challenges in family planning. The thematic analysis also reveals the value

of integrating cultural and religious considerations into policy design and implementation, ensuring broader acceptance and sustained impact.

## 5. Discussion

### Family Planning Law in Indonesia Legal Transformation

The findings reveal that family planning policies in Egypt and Indonesia are shaped by distinct governance structures and religious frameworks, yet both reflect the influence of Islamic jurisprudence. In Egypt, state-led initiatives benefit from centralized religious endorsements by Al-Azhar, which provide theological justification for policies grounded in maslahah. Conversely, Indonesia's decentralized governance leads to significant regional variations, with local fatwas influencing the acceptance and implementation of family planning. This contrast highlights the interplay between political structure and religious authority in shaping public policy.

The data suggest that legal flexibility, as emphasized in Ibn Qayyim's philosophy, plays a critical role in adapting family planning policies to diverse social contexts. In Egypt, the alignment of state policies with maslahah ensures broad national coverage, despite cultural resistance in rural areas. In Indonesia, regional flexibility allows for culturally tailored approaches, though this sometimes leads to inconsistencies in policy implementation. These findings demonstrate the importance of balancing uniformity with local adaptation to achieve policy effectiveness.

The theoretical framework of Ibn Qayyim's contextual ijtiihad is highly relevant to the findings, as it underscores the need for dynamic legal reasoning in response to changing social conditions. The principle of maslahah, central to his philosophy, aligns with the observed emphasis on public welfare in both countries' family planning policies. This study extends Ibn Qayyim's framework by demonstrating its practical application in contemporary governance, highlighting its potential to reconcile religious principles with modern societal needs.

Family planning in the sense of preventing pregnancy due to sexual intercourse has been known since the time of the Prophet Muhammad, with the act of 'azal which is now known as *coitus-interruptus*, namely interrupted *intercourse*, namely ejaculation (*inzal al mani*) outside the vagina (faraj) so that sperm does not meet the wife's ovaries. Thus, pregnancy is impossible because the ovaries cannot be fertilized by the husband's sperm (Al-Fauzi, 2017).

Regarding this 'azal, there is a hadith narrated from Bukhari and Muslim Rasulullah saw. said:

عَنْ جَابِرِ قَالَ كُنَّا نَعْزِلُ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَبَأْتُهُ ذَلِكَ نَبِيًّا اللَّهُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَلَمْ يَنْهَا - رَوَاهُ مُسْلِمٌ

It means:

From Jabir said: we performed 'azal in the time of the Prophet SAW. then the news reached the Prophet. and he didn't stop us. In one history it is stated that at that time the Koran was still being revealed.

This hadith is a *taqriri hadith* in which the Prophet was silent and did not respond to the actions of his friends, which shows that the Prophet allowed his friends to prevent pregnancy by '*azal*'. This hadith is often used as an argument for the permissibility of family planning. Regarding the law on family planning among the ulama, there are those who allow it and there are those who prohibit it. Scholars who allow it, such as Imam Al-Ghazali, in his book, *Ihya' Ulumiddin*, stated that '*azal*' is not prohibited, because of the difficulties experienced by the mother due to frequent childbirth. The motives include: to maintain the mother's health, to avoid life's difficulties, because there are many children, and to maintain the mother's beauty. Likewise Sheikh al-Hariri (grand mufti of Egypt). He is of the opinion that carrying out family planning for individuals (individuals) is legally permissible with several provisions such as: to space children apart, to avoid a disease if they are pregnant, to avoid harm if they are pregnant and give birth which can lead to medical death (Al-Fauzi, 2017).

However, there were companions who did not do '*azal*' and even hated it like Abdullah bin Umar. It is narrated from Malik in the book *Al-Muwaththa'* as follows:

عن مالك، عن نافع، عن عبد الله بن عمر أن عبد الله بن عمر كان لا يعزل، وكان يكره ذلك

It means:

From Malik from Nafi' from Abdullah bin Umar that Abdullah bin Umar did not do '*azal*' and he hated it (Kholilah, 2019).

Among those who prohibit birth control (in the sense of تحديد النسل) is Mahmud Syaltut. He is of the opinion that family restrictions (تحديد النسل) is contrary to Islamic law. For example, limiting families to only 3 children in all kinds of situations and conditions. Abu A'la Al-Maududi is also one of the scholars who opposes the opinion of people who allow birth restrictions. According to him, Islam is a religion that operates in accordance with human nature. He said that anyone who changes God's actions and violates the laws of nature is considered to be fulfilling Satan's orders. According to al-Maududi, one of the goals of marriage is to perpetuate the human species and establish a civilized life (Al-Fauzi, 2017).

Mahmud Syaltut share family planning based on the purpose into two, namely : *tahdid al- nasl* and *tanzhim al- nasl*. Mahmud Syaltut to forbid *tahdid an- nasl* because of objective from *tahdid an- nasl* is For limit descendants, so that restrictions descendants of numbers certain is a Forbiddleness . Forbiddleness *tahdid an- nasl* based on ijma' ulama, Al-Qur'an, Al-Hadith, qiyas, and istishab . Ability *the law of nature* because of *the law of nature* No contradictory with nature a human being who likes Lots children and proud with the amount descendants . Ability *the law of nature* based on ijma' ulama, Al-Qur'an, Al-Hadith, qiyas, and istishab (Irawan & Nasrullah, 2021).

Sheikh bin Baaz to argue that KB law with consume pill or with tool contraception other including with method simple like '*azl*' For prevent pregnancy the law is forbidden, especially If the purpose limit descendants in a way permanent . According to him , this That contradictory with maqashid sharia (Sholihah, 2019).

Meanwhile, those who oppose the family planning program liken the act of '*azal*' to the killing of offspring which is prohibited by Allah SWT. In surah al-Isra/17:31 Allah says:

وَلَا تَقْتُلُوْا أَوْلَادُكُمْ خَشْيَةً امْلَاقٍ نَّحْنُ نَرْزُقُهُمْ وَإِيَّاكُمْ إِنْ قَتَلْتُمْ كَانَ خَطْبًا كَبِيرًا ﴿٢١﴾

Translation:

Do not kill your children for fear of poverty. It is We who provide sustenance for them and for you. Indeed, killing them is a great sin.

The Indonesian Ulema Council (MUI) in 1983 stated that it was permissible to follow the family planning program with its fatwa that Islam justifies the implementation of Family Planning aimed at maternal and child health, as well as the interests of children's education. Its implementation must be carried out voluntarily, and using contraceptives that are not prohibited by Islam. The thoughts of Islamic law in the MUI fatwa above are based on verses of the Qur'an and hadith which are understood in a *qarinah* (indicative) or implied manner as the Hadith of the Prophet who ordered to marry women who could give birth to many offspring. (La Jamaa, and Fahri, 2020) .

Meanwhile, the Muhammadiyah Tarjih Council is of the opinion that preventing pregnancy is haram. Even birth control is basically not allowed. However, what is interesting about the decision of the Muhammadiyah Tarjih Council is that it still allows Family Planning in emergency conditions, including: (a). Worrying about the safety of the mother's life or health because of pregnancy or childbirth, if this is known from experience or a reliable doctor's statement. (b). Worrying about religious safety, due to factors of life's narrowness, such as fear of being dragged into accepting things that are haram, or carrying out/violating religious prohibitions, because they are driven by the interests of children. (c). Worrying about the health or education of children if the birth interval is too close. Muhammadiyah also provides general guidance that Family Planning must be carried out in the correct way, approved by the husband and wife, and not harmful to those concerned. (La Jamaa, 2017)

Seeing the differences of opinion of the scholars above, it is appropriate that the issue of family planning can be seen from various perspectives, especially the aspect of welfare, that family planning has a broader meaning with the dimension of community welfare that supports the existence of a country. Family planning can be a determinant of the progress of a nation because the uncontrolled population growth rate results in a population explosion which can result in low quality human resources if not balanced with the fulfillment of job opportunities, facilities and infrastructure and other needs.

Ibn Qayyim Al-Jauziyah poured out his views regarding legal changes in his book *i'lam al-muwaqqi'in 'an rabbil 'alamin*. The principles he wrote are Changes and differences in fatwas are based on changes in time, place, conditions, intentions and customs. Ibn Qayyim views that the determination of law is influenced by 5 (five) factors, namely; the situation of the times. ( *al-azmina* ), the situation of the place ( *al-amkinah* ), condition of circumstances ( *al-ahwal* ), intention/motivation ( *al-niyat* ), and traditional customs ( *al-awaid* ). All of them become *illat* (cause) in changing legal fatwas.

The theoretical basis of Ibn Qayyim on legal change in principle refers to the nature of Islamic law which is always oriented towards human welfare. The law presented on earth through the Messenger of Allah aims to realize legal justice, welfare, and virtue. Therefore, any legal provisions or rules that do not fulfill the principles of justice are considered to be contrary to Islamic law. (Darwis, 2017)

Ibn Qayyim stated that sharia is enforced for the benefit of servants in this world and in the afterlife. It is also emphasized that the foundation and principles of Shari'a are the law and the benefit of servants in this worldly life and the hereafter. Sharia brings justice, mercy, wisdom and benefit to all (Basri, 2015) .

Based on this, it can be understood that the occurrence of legal changes is influenced by the welfare factor that applies in every era and situation. This change results in the emergence of new ijtihad.

According to Agus Miswanto in his book Ushul Fiqh Method of Ijtihad in Islamic Law, ijtiyah is something that must be done by a mujtahid in every era in order to answer problems that continue to develop. Hanabilah scholars are of the opinion that there should not be a vacuum of mujtahids in every era where they explain the laws of Allah SWT. This opinion was also confirmed by Imam al-Syatibi. The main basis of their argument is the words of the Prophet SAW:

وقد أخبرنا عبيد الله بن موسى عن إسماعيل عن قيس عن المغيرة بن شعبة عن النبي صلى الله عليه وسلم قال لا تزال طائفة من أمتي على الحق ظاهرين على الحق حتى يأتيهم أمر الله وهم ظاهرون على الحق

It means :

Has told us Ubaidullah bin Musa from Ismail from Qais from Mughirah bin Syu'bah from the Prophet SAW., he said: There will always be a group of my people who will be steadfast in the path of truth until Allah's decision comes to them, and they will always be steadfast in the path of truth (Miswanto, 2019) .

Thus, the Family Planning (KB) Issue in Indonesia needs to be viewed from the perspective of its legal determination based on the principles of ushul fiqh as one of the elements in legal *istinbath* . The scope of ijtiyah is only on elastic legal issues so that the KB program is included in legal changes.

Ibn Qayyim stated that changes in Islamic law always go hand in hand with the transformation of tradition. Changes in law as a necessity (inevitability) in the Islamic legal system must be understood proportionally. It is said so because the proportionality of legal changes will place each problem correctly and properly. This is important because without proportionality, it is possible that the legal changes made will be uprooted (Wijaya, 2017).

The theory of changes in fatwa (answers to legal issues) due to factors of place, time, condition, motivation (intention) and tradition (custom) is one example of Ibn Qayyim's brilliant thoughts. This principle is able to prove the universality and flexibility of Islamic law as a sharia that is *adaptable* in every space and time, in all situations and conditions. (Muslim, 2020)

Social change can be caused by internal and external factors . Factors from in (internal) can in the form of decrease and increase population , discovery new , revolution human , the emergence conflict , and so on . External factors can in the form of environment nature , influence culture other communities , and the occurrence of war social (Rahim et al., 2023).

In Indonesia itself, Family Planning is a government program designed to balance the needs and population. In Law Number 52 of 2009 concerning Population Development and Family Development, it is stated that Family Planning is an effort to regulate child birth, spacing and ideal age of childbirth, regulating pregnancy through promotion, protection, and assistance in accordance with reproductive rights to realize a quality family. That means the KB program in Indonesia aims for the welfare of the family.

The concept of family planning and all efforts to improve the welfare of society are very clear in their urgency and contribution in answering the problems of Islamic law in Indonesia. Some of these concepts and ideas are solutions and results of the dialectic between fiqh and the social reality faced by Muslims. These ideas and concepts come from scholars who have quite a large influence on Muslims in Indonesia. Their views are a very fresh discourse to be applied in social reality (Darna, 2021) .

It is realized that this family planning program initiated by the government For to organize life every family to get quality a better life good . Its utility value is every partner husband wife capable give rights child based on his needs . With restrictions / settings amount child so every partner will can fulfil need fruit his heart with Good .

Ibn Qayyim stated that the characteristic of sharia is the benefit for servants in this world and the hereafter, which is stated in the statement *Manny Thank you The Prophet (sharia is built on the welfare of the servant) so it can be ensured that the rules for changing fatwas are built to realize the welfare itself* (Muslim, 2020) .

In the time of the Prophet Muhammad saw. Not yet There is restrictions amount child even the Prophet asked to marry women who can give many descendants . Situation in the time of the prophet Of course different with situation moment this . According to Director General Civil Registry as loaded in kompas.com the number Indonesian population until the first semester of 2024 has reached 282,477,584 people . The number this is very big , it means need existence business control , restriction even distribution Indonesian population in general sustainable . You can imagine If if KB does not programmed from periods the previous government then Indonesia will experience explosion the population that is not unstoppable . Of course . matter the will bring impact negative to level welfare public .

With Thus , KB becomes something that is *dharuriy* , which if ignored can bring Indonesia to in instability even destruction . Allah SWT . confirmed inside Surah Al-Baqarah:2/195 reads :

وَأَنفِقُوا فِي سَبِيلِ اللَّهِ وَلَا تُنْفِقُوا بِأَيْدِيكُمْ إِلَى النَّهَارَكَةِ وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ ١٩٥

Translation :

And don't spend in the way of Allah plunge into yourself to in destruction, and do Okay. Indeed, Allah loves those who act Good .

Indonesia is a country with amount resident the biggest fourth in the world. Of course Indonesia is not Can compared to with other possible countries No implementing the family planning program because own amount small population . One of challenge the biggest government is control level growth such a population fast . Currently Indonesia is the country with the most its population after India, China, and the United States. The growth rate This No accompanied by with distribution the population is evenly distributed where 52% of the population settled in urban areas . Therefore , the government Keep going make an effort increase awareness and participation public in Family Planning (KB). Problems population become one of the most complicated . Starting from problem laborer migrants, availability field work , electronic ID cards , population data leaks , to level high crime .

Djauharoh inside his book Series Islam and Science in Family Planning to argue that amount large population can cause various conflict . Problems provision source Power nature and variety need important other become impact from *over population* . In addition , there is pressure resident to Power support environment become very complicated problem . Therefore , the problem that can be appear related with amount large population is in provision field jobs where people in general will take option look for work consequence need will material main compared to open field work. (Djauharoh, et al., 2023)

Therefore , the *dharuriyah* of family planning is possible reviewed with a number of reason namely : a large population, a fairly high population growth rate, a relatively high flow of urbanization, and uneven population distribution and density.

According to Ibnu Qayyim, Islamic law is built on the principles of wisdom and human benefit in this world and the hereafter. It is absolute justice, compassion, benefit and wisdom. Therefore, every issue that goes from justice to injustice, compassion to violence, benefit to harm, and wisdom to something of useless value, is not part of the Shari'a, even if it is interpreted as Shari'a (Sutisna et al., 2021) .

With Thus , there is great wisdom and benefit become *illat* will the importance of the family planning program. Ibn Qayyim called it with term *ta'lil al- ahkam* which is

interpreted as the center of attention in the process of *ijtihad* and *istinbat* law so as to be able to reveal the secrets of sharia and its wisdom. *Ta'lil al-ahkam* also functions as a *wasilah* (intermediary) for the realization of a sharia law in different conditions according to the presence or absence of *illat* surrounding the law (Sutisna et al., 2021) .

In a principle of *ushul* it is stated that:

القانون يتبع إيلاته . فإذا وجدت العلة فالقانون موجود، وإذا لم توجد فالقانون غير موجود

It means:

The law follows its *illat* . If the *illat* exists then the law exists, and if it does not exist then the law does not exist.

This principle indicates that the existence of wisdom and benefit is the *illat* for the implementation of the family planning program in Indonesia. Ibn Qayyim said how could Allah reveal a certain law but it is empty of intent and purpose. According to him, this is an impossible matter for Allah SWT. (Sutisna et al., 2021) . Ibn Qayyim's thoughts always prioritize the universality of *ta'lil* . Ibn Qayyim tends to follow the opinion of his teacher Ibn Taimiyyah, who said that all sharia laws have *illat* without exception. Both muamalah law, custom, and also worship, all have *ta'lil al-ahkam* , even though our minds cannot grasp some of the *illat* and wisdom (Sutisna et al., 2021) .

In fact, changes in time, place, conditions, motivations and customs are inevitable and the most influential factor in these changes is the advancement of science and technology. The rapid acceptance of information today is also inseparable from the achievements of mankind in information technology. With these changes, Islamic law is always adaptive and relevant to various situations, conditions and traditions that occur in society ( صالح Lola Zamzam (Women) so that Maqashid in the form of benefits or welfare can be realized.

The welfare as the substance of the sharia experiences differences along with differences in time, place, situation, intention, and custom. This means that the occurrence of differences in time, place, situation, intention, and custom becomes the legitimacy and reason for changes in law. Al-Jauziyah's view shows that Islamic law is flexible and adaptive in responding to every change and development. In fact, Al-Jauziyah believes that Islamic law can be interpreted and translated according to the social context of the community (Rahmawati, 2017) .

Thus, the Family Planning program that has been attempted by the government since the last few decades is very relevant in the effort to fulfill the welfare and welfare of the community. Related to the verse in the letter al-Isra/17:31 and the Hadith, Naai's recommendation to multiply offspring must be seen contextually, that many generations must also be balanced with good quality and character as Allah SWT warns in the letter Al-Nisa/3:9 which reads :

وَلْيَخُشَّ الَّذِينَ لَوْ تَرَكُوا مِنْ خَافِهِمْ ذُرْيَةً ضِعِيفًا حَافِرًا عَلَيْهِمْ فَلَيَنْقُوا اللَّهَ وَلَيَقُولُوا قَوْلًا سَدِيدًا ⑨

Translation :

Let them be afraid of those who should (die) leave behind them, weak offspring (whom) they fear. So, fear Allah and speak with the right words (in terms of protecting the rights of your descendants).

The verse above emphasizes that we should be concerned about giving birth to offspring who are weak both physically and mentally, so that using birth control is permissible to regulate offspring.

## 6. Conclusion

The Family Planning Program produces wisdom, benefit and prosperity so that the ulama determine its capabilities. In this case, family planning has been widely endorsed by domestic and foreign ulama, meaning that it has become *the consensus of ulama* with its various controversies. The legal determination of whether family planning is permissible is in accordance with the rules of legal change according to Ibnu Qayyim Al-Jauziyah. Five factors that influence legal changes can be used as reasons for the birth of new *ijtihad* so that *ijtihad* becomes a necessity in responding to every change. The welfare factor from the aspect of state safety is one of the reasons why it is important to take part in a family planning program so that it can be positioned for *hajiyah benefits*.

The findings of this study demonstrate significant insights into the implementation of family planning policies in Egypt and Indonesia. These policies reflect the integration of Islamic jurisprudence with modern socio-political frameworks, showcasing the critical role of *maslahah* in guiding public welfare. A key strength of the study lies in its comparative cross-cultural approach, which highlights both the centralized religious legitimacy in Egypt and the decentralized governance flexibility in Indonesia. Additionally, the novelty of applying Ibn Qayyim's legal philosophy to contemporary family planning policies provides a fresh perspective on the adaptability of Islamic law in addressing modern societal challenges.

However, the study also reveals certain limitations. The variability in regional fatwas in Indonesia indicates inconsistencies in aligning Islamic principles with family planning policies, which may hinder broader acceptance. Similarly, the persistent resistance in rural areas of Egypt underscores the challenge of bridging cultural traditions with state policies. These limitations suggest a need for enhanced community engagement and culturally sensitive approaches to policy design. Based on these findings, the study recommends strengthening collaboration between religious institutions, policymakers, and local communities to address cultural and religious concerns more effectively. Further research could explore the role of gender dynamics and economic factors in shaping attitudes toward family planning. By integrating these elements, future studies can build on the foundational contributions of this research, ensuring that family planning policies are both socially and religiously inclusive while promoting public welfare.

## 7. References

Al-Fauzi. (2017). Keluarga Berencana Perspektif Islam Dalam Bingkai Keindonesiaan. *Jurnal Lentera: Kajian Keagamaan, Keilmuan Dan Teknologi*, 3(1), 1-20.

Azzuhri, M., Huang, M.-P., & Irawanto, D. (2024). "Reinventing spiritual leadership from an Indonesian perspective." *International Journal of Cross Cultural Management*. <https://doi.org/10.1177/14705958241245245>

Basri, R. (1970). Ibnu Qayyim al-Jawziyah tentang Pengaruh Perubahan Sosial. In *Al-Manahij: Jurnal Kajian Hukum Islam* (Vol. 9, Issue 2, pp. 193-206). <https://doi.org/10.24090/mnh.v9i2.489>

Darna, A. (2021). Perkembangan Hukum Islam di Indonesia: Konsep Fikih Sosial dan Implementasi. *El-Usrah: Jurnal Hukum Keluarga : Jurnal Hukum Keluarga Islam*, 4(1), 90-107.

Dimyati, K., Nashir, H., Elviandri, E., Absori, A., Wardiono, K., & Budiono, A. (2021). Indonesia as a legal welfare state: A prophetic-transcendental basis. *Helijon*, 7. <https://doi.org/10.1016/j.helijon.2021.e07865>

Hellwig, F., Moreira, L., Silveira, M., Vieira, C. S., Rios-Quitzuizaca, P. B., Masabanda, M., Serucaca, J., Rudasingwa, S., Nyandwi, A., Mulu, S., Rashad, H., & Barros, A. (2024). Policies for expanding family planning coverage: lessons from five successful countries. *Frontiers in Public Health*, 12. <https://doi.org/10.3389/fpubh.2024.1339725>

Irawan, I., & Nasrullah, N. (2021). Argumentasi Keluarga berencana dalam Hukum Islam (Studi Fatwa Syaikh Mahmud Syaltut). *Jawi*, 3(2), 178-203. <https://doi.org/10.24042/jw.v3i2.8078>

Kemasyarakatan, S., Iptek, D. A. N., Jamaa, L., & Fahri, A. (n.d.). *Tahkim*.

Kholilah, S. (2019). Pro dan Kontra Keluarga Berencana dalam Perspektif Hadis. *Holistic Al-Hadis*, 5(2), 49. <https://doi.org/10.32678/holistic.v5i2.3237>

Maimun, M. (2017). Islam Nusantara in Islamic Law Epistemology Perspective. *Al-Ihkam: Jurnal Hukum & Pranata Sosial*, 11(2), 392. <https://doi.org/10.19105/al-ihkam.v11i2.779>

Miswanto, A. (n.d.). *USHUL FIQH : METODE*.

Muslim, H. (2020). Pemikiran Ibnu Qayyim Al-Jauziyah (W 751 H/1350 M) Tentang Perubahan Fatwa Dan Relevansinya Dengan Penerapan Hukum Islam Di Indonesia. *Al-Mashlahah Jurnal Hukum Islam Dan Pranata Sosial Islam*, 8(2), 285-313.

Rahim, A., Pradipa, R., Rahim, A., & Pradipa, R. (2023). Pengaruh Pemikiran Ibnu Qayyim Al-Jauziyah Terhadap Paradigma Perubahan Hukum Islam. *AL-AFKAR: Journal for Islamic Studies*, 6(4), 362-375. <https://doi.org/10.31943/afkarjournal.v6i4.734>.The

Rahmawati, S. (2017). Paradigma Perubahan Hukum Islam (Eksplorasi Pemikiran Ibnu Qayyim al-Jauziyah). *Al-Bayyinah*, 1(2), 17-28. <https://doi.org/10.35673/al-bayyinah.v1i2.14>

Ridwan, A. H., Bisri, H., & Septiadi, M. A. (2023). Interpretation of *Taqnîn al-Ahkâm* by Ibn Al-Muqaffa' and Its Relevance to the Application of Islamic Law in Indonesia. *KEMANUSIAAN The Asian Journal of Humanities*. <https://doi.org/10.21315/kajh2023.30.2.6>

S., A. (1979). Al-Bayyinah: Journal of Islamic Law-. *Al-Bayyinah: Journal of Islamic Law*, VI(2), 85-98.

Samara, G. (2020). Family businesses in the Arab Middle East: What do we know and where should we go? *Journal of Family Business Strategy*, 100359. <https://doi.org/10.1016/j.jfbs.2020.100359>

*Serial Islam dan Sains dalam Keluarga Berencana Djauharoh, M.Kes. dkk Deepublish Digital*, 2023 Yogyakarta. (2023). 2023.

Sholihah, R. (2019). Hukum Mencegah Kehamilan Perspektif Imam Ghazali dan Syekh Abdullah Bin Baaz. *Al-Hukama'*, 9(1), 76-102. <https://doi.org/10.15642/alhukama.2019.9.1.76-102>

Sutisna, Dr. Neneng Hasanah, M., Arlinta Prasetyan Dewi, M. E. S., Ikhwan Nugraha, M., Katmas, E., Dr. Ali Mutakin, M. H., Nurhadi, S.Sos.I., M., Dr. Suparnyo, M., Dr. Kamarudin Arsyad, M., & Andi Triyawan, M. . (2021). *Panorama Maqoshid Syari'ah*. 177.

Wijaya, A. (2017). Perubahan Hukum Dalam Pandangan Ibnu Qayyim. *Al Daulah : Jurnal Hukum Pidana Dan Ketatanegaraan*, 6(2), 387-394. <https://doi.org/10.24252/ad.v6i2.4891>