

## **A Sharia-Based Solution to Family Planning: The Use of Temporary and Permanent Contraceptives in Light of the Legal Maxim *al-Ḍararu Yuzāl***

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### **Abstract**

This study explores the permissibility and ethical considerations of contraceptive use, particularly sterilization methods like vasectomy and tubectomy, in Islamic law. The research focuses on how the Islamic legal principle *al-ḍararu yuzāl* (harm must be removed) applies to family planning practices, with an emphasis on temporary versus permanent contraceptive methods. It aims to offer a comprehensive understanding of how Islamic law addresses reproductive health while preserving marriage and family integrity. Using a qualitative, normative juridical approach, the study analyzes Islamic legal texts, including Qur'anic verses, Hadiths, and fatwas, in relation to contemporary contraceptive issues. A comparative analysis is employed to assess the views of Islamic scholars on contraceptive use, particularly on permanent methods like sterilization. The study also incorporates empirical data from fatwas, legal documents, and contemporary legal debates. The findings show that Islam allows the use of temporary contraceptives for birth regulation, especially for socio-economic reasons, such as ensuring adequate childcare and education. However, permanent methods like sterilization are generally prohibited as they contradict the main purpose of marriage—procreation. Exceptions exist in cases of necessity, such as protecting maternal health or preventing hereditary diseases. The paper contributes to the field by offering a nuanced analysis of Islamic law regarding both temporary and permanent contraceptives, and it provides practical insights for policymakers and health professionals. The study suggests that Islamic law can offer a balanced approach to family planning, ensuring individual rights and societal welfare.

**Keywords:** *Al-Ḍararu Yuẓaalu*; Contraceptive Devices; Pregnancy Delay

### **Abstrak**

Penelitian ini mengeksplorasi tentang kelayakan dan pertimbangan etis penggunaan kontrasepsi, khususnya metode sterilisasi seperti vasektomi dan tubektomi, dalam hukum Islam. Penelitian ini berfokus pada bagaimana prinsip hukum Islam *al-ḍararu yuzāl* (bahaya harus dihilangkan) diterapkan dalam praktik perencanaan keluarga, dengan penekanan pada metode kontrasepsi sementara versus permanen. Tujuannya adalah untuk memberikan pemahaman komprehensif tentang bagaimana hukum Islam menangani kesehatan reproduksi sambil menjaga integritas pernikahan dan keluarga. Dengan menggunakan pendekatan kualitatif, normatif, dan yuridis, penelitian ini menganalisis teks-teks hukum Islam, termasuk ayat-ayat Al-Qur'an, Hadis, dan fatwa, terkait dengan isu-isu kontrasepsi kontemporer. Analisis komparatif digunakan untuk menilai pandangan para ulama Islam mengenai penggunaan kontrasepsi, khususnya pada metode permanen seperti sterilisasi. Penelitian ini juga mengintegrasikan data empiris dari fatwa, dokumen hukum, dan perdebatan hukum kontemporer. Hasil penelitian menunjukkan bahwa Islam membolehkan penggunaan kontrasepsi sementara untuk pengaturan kelahiran, terutama untuk alasan sosial-ekonomi, seperti memastikan perawatan dan pendidikan anak yang memadai.

Namun, metode permanen seperti sterilisasi umumnya dilarang karena bertentangan dengan tujuan utama pernikahan, yaitu prokreasi. Terdapat pengecualian dalam kasus darurat, seperti untuk melindungi kesehatan ibu atau mencegah penyakit keturunan. Makalah ini memberikan kontribusi pada bidang ini dengan menawarkan analisis mendalam mengenai hukum Islam terkait kontrasepsi sementara dan permanen, serta memberikan wawasan praktis untuk pembuat kebijakan dan tenaga medis. Penelitian ini menyarankan bahwa hukum Islam dapat menawarkan pendekatan seimbang terhadap perencanaan keluarga, dengan memastikan hak individu dan kesejahteraan sosial.

**Kata kunci:** *Al-Ḍararu Yuḏālu; Alat Kontrasepsi; Penundaan Kehamilan*

## 1. Introduction

Efforts to create a happy family often face numerous challenges. The rising cost of living is not matched by increasing income, resulting in widespread poverty. One contributing factor to this issue is the growing population, while job opportunities continue to decrease. In response, the government introduced the Family Planning (FP) program as an alternative solution to reduce population density. Family Planning is one of the government's initiatives to address the problem of rapid population growth by regulating births (fertility) in order to achieve a healthy family—physically, mentally, and socioeconomically.

A family is formed based on lineage, blood relations, or through marriage. Legally, a family is recognized only when established through marriage. According to the law, “marriage is a physical and spiritual bond between a man and a woman as husband and wife with the purpose of forming a lasting family (household) based on the One Almighty God (Sholihah, 2019).

Family Planning aims to increase public awareness and participation through the promotion of mature marriage age, pregnancy regulation, family resilience development, and improved family welfare, in order to achieve a small, happy, and prosperous family. One method of implementing Family Planning is through contraception. The word “contraception” comes from “contra,” meaning to prevent, and “conception,” meaning the meeting of an ovum and sperm that results in pregnancy (Sahil et al., 2021). Regarding the use of contraceptive tools in family planning, there are methods that are not permitted in Islam, such as tubectomy and vasectomy, which are considered to violate Islamic law (Hasram, 2019).

The implementation of Family Planning in Indonesia’s legal and Islamic systems is permissible, particularly in the context of birth spacing (*tanzhīm al-nasl*), such as setting appropriate intervals between pregnancies to protect the health of both mother and child. However, it is not permissible for the purpose of limiting births (*taḥdīd al-nasl*) (Akmal, 2022). The initial permissibility of family planning in Islam is based on a hadith of the Prophet that allows pregnancy prevention through the practice of coitus interruptus (*‘azl*). Therefore, contraceptive methods that are similar in nature to *‘azl* are allowed, as long as the contraceptive used is not permanent and can be discontinued, allowing the body to return to its original state (Sofyan, 2016).

Family planning with the intention of preventing pregnancy altogether is considered forbidden (*ḥarām*). This view holds that limiting offspring goes against the welfare of the Muslim ummah, as it reduces the number and strength of Muslims (Asriani & Haddade, 2021). The Muslim community needs to grow in number so that they can worship Allah, engage in jihad in His cause, protect fellow Muslims, and, with Allah's permission, guard against the deceit of their enemies. Therefore, it is obligatory to avoid pregnancy prevention or birth limitation, unless in cases of emergency (Sholihah, 2019).

According to Islamic law, contraceptive methods are permissible if they work to prevent pregnancy temporarily, can be applied by the individual or by someone who is not forbidden to see their private parts, or by someone who normally cannot see them, but is allowed in emergency situations (Norwili, 2014). Furthermore, the materials used in these contraceptives must be made from halal substances and must not cause harm to one's health.

## 2. Research Methods

This study adopts a qualitative research design and utilizes a library research method as its primary technique for data collection. Library research involves a thorough review of books, scholarly literature, records, and reports that are relevant to the topic under investigation. The research approach integrates theological, *shar'i* (Islamic legal), and normative perspectives. It aims to examine and analyze the issue through the lens of Islamic legal theory and normative principles. Furthermore, the analysis is conducted by aligning findings from normative studies with supporting data drawn from library sources. This combination allows for a comprehensive understanding of the topic within both religious and academic frameworks.

## 3. Discussion

### 3.1. The Meaning and Position of the Legal Maxim *Al-Dararu Yuzaalu*

The development of the Muslim community and the expansion of its territories have significantly influenced the interpretation of Sharia texts (Mustafa, 2020). Linguistically, *al-Qawā'id al-Fiqhiyyah* (Islamic legal maxims) consists of two words: *al-qawā'id* (maxims) and *al-fiqhiyyah* (jurisprudential). The term *al-qawā'id* is the plural of *qā'idah*, which means foundation, base, or principle—either in a concrete or abstract sense, such as *qawā'id al-bayt* (the foundation of a house), *qawā'id ad-dīn* (foundations of religion), or *qawā'id al-'ilm* (principles of knowledge).

In the study of *Uṣūl al-Fiqh*, *fiqh* is defined as "knowledge of the practical legal rulings derived from detailed evidences." This definition emphasizes that *fiqh* is the result of scholarly *ijtihād* (juridical reasoning) through the study of various legal proofs, whether explicitly or implicitly mentioned in the Qur'an and Sunnah (Syahidna et al., 2022).

There are several terminological definitions of *qawā'id fiqhiyyah* (legal maxims), two of which are the most popular:

“A Sharī’ah ruling concerning the majority of cases, from which the rulings of other similar cases that fall under its scope can be inferred.”

The importance of legal maxims is emphasized by Abu Zahrah’s perspective on the limits of *ijtihād*: “The exertion of effort and application of reasoning, whether in deriving or applying Islamic legal rulings.” According to Abu Zahrah, *ijtihād* is divided into two types: first, *ijtihād* related to extracting and explaining legal rulings; and second, *ijtihād* concerning the application of those rulings (Cahyadi et al., 2021).

Contemporary thought on legal maxims is closely tied to legal reform and the emergence of modern and contemporary issues. The contemporary scope of legal maxims includes the following areas:

- a. Family law, such as inheritance distribution, marriage contracts via telephone, endowment practices, marriage during pregnancy, birth control, and more.
- b. Economic matters, such as interest-based banking systems, *zakāt al-māl* and taxation, credit and rotating savings (arisan), professional zakat, insurance, etc.
- c. Criminal law, such as amputation punishments, Islamic penal law within national legal systems, and related issues.
- d. Women's issues, such as Islamic dress (hijab), working women, female leadership, etc.
- e. Medical matters, including organ transplantation, autopsy, contraception, euthanasia, cloning, and test-tube babies.
- f. Technology-related matters, such as mechanical animal slaughtering, broadcasting the call to prayer via cassette, following imams via radio or TV, offering greetings via doorbells, etc.
- g. Political matters, such as debates surrounding the term "Islamic state," leadership succession processes, loyalty to rulers, and related issues.
- h. Worship practices, including Hajj savings, offering Qurbān with money, delaying menstruation for pilgrimage, and more (Pohan, 2020).

Linguistically, *maḍarrah* (harm) is derived from the word *al-ḍarar*, which refers to something that causes harm without anything being able to stop it. *Al-ḍarar* refers to causing harm to others in a general sense, while *al-ḍirār* refers to causing harm in a way not sanctioned by Islamic law (Azhari, 2015).

The term *ḍarūrah* (necessity) has several definitions according to scholars:

1. A situation where a person is compelled to break a prohibition in order to avoid death or a life-threatening condition.
2. According to Abu Bakr al-Jaṣṣāṣ: *Darūrah* is the fear of danger threatening one’s life or physical wellbeing due to lack of food.
3. According to al-Dardīr: *Darūrah* is the state of avoiding death or extreme hardship.

All things that cause damage, destruction, or disturb public order and comfort must be avoided to ensure a healthy, dynamic, and joyful life. In fact, Islam encourages the removal

of harmful objects from public pathways, such as thorns, sharp items, or filth. This act is regarded as noble and is a sign of one's faith in Allah Almighty.

In conclusion, the Prophet Muhammad (peace be upon him) forbade *ḍarar* (inflicting harm) and *ḍirār* (reciprocating harm) without just cause. Causing harm through legitimate means, however, is not included in this prohibition. For instance, someone who violates Allah's laws and is punished accordingly, or someone who oppresses others and is then subject to fair retaliation by the oppressed. The hadith in question prohibits only harm that is unjust or without legitimate justification.

### **3.2. The Use of Contraceptive Devices to Delay Pregnancy**

Contraception derives from two words: *contra* meaning "against" or "to prevent," and *conception*, which refers to fertilization or the union of an egg cell and a sperm cell resulting in pregnancy. According to the *Kamus Besar Bahasa Indonesia* (Great Dictionary of the Indonesian Language), contraception is defined as a method used to delay or prevent pregnancy by using special devices or medications, such as intrauterine devices (IUDs), pills, and condoms (*Kamus Besar Bahasa Indonesia (KBBI)*, 2023). In Arabic, contraceptive devices are referred to as *Wasā'il Liman'i al-Ḥaml*, which are tools aimed at postponing or regulating pregnancy.

Contraception is a method used to delay and prevent fertilization that leads to pregnancy by using specific medical devices. Contraceptive methods are preventive techniques involving the use of temporary or permanent devices or medications that aim to prevent ovulation, kill sperm cells, or block the meeting of sperm and egg cells.

The implementation of the Family Planning (FP) program is regulated in Article 5, Paragraph 2 of the Constitution of the Republic of Indonesia (1945), which relates to the president's authority to formulate government regulations deemed necessary (Utami et al., 2022). It is also governed by Indonesian Law No. 52 of 2009 concerning Population Development and Family Development, and by Government Regulation No. 87 of 2014 concerning Population Development, Family Development, Family Planning, and the Family Information System. In this regulation, family planning is defined as a way to regulate the spacing of childbirth and pregnancies through promotion, protective support, and assistance based on reproductive rights to create quality families.

Delaying pregnancy refers to the intentional postponement of childbirth spacing. Pregnancy planning is essential. Common reasons for postponing pregnancy include career goals, mental readiness, financial instability, health considerations, and other personal interests. When deciding to delay pregnancy, couples should consider physical health, the wife's age, and genetic factors. If a couple comes from a family with fertility issues, they are advised not to use contraceptives to delay pregnancy (Indiarti, 2017).

According to Islamic law, delaying pregnancy for the purpose of spacing births is considered *mubah* (permissible). This practice has existed since the time of the Prophet Muhammad, known as *'azl* (coitus interruptus), which involves withdrawing before

ejaculation (Rozikin, 2021). In his book *The Lawful and the Prohibited in Islam*, Yusuf al-Qaradawi explains that the primary purpose of marriage is procreation to ensure the continuation of the human race. However, Islam does not forbid birth control when it is done for valid reasons. The practice of 'azl during the Prophet's era demonstrates this permissibility. Regarding permanent contraceptive methods such as tubectomy and vasectomy, their use must be justified by an emergency situation that necessitates such measures, for example, to protect the health or life of the mother or unborn child in cases where pregnancy would be dangerous (Juwita & Maidin, 2021).

Physical side effects from contraceptive use may include reduced vaginal lubrication, vaginal irritation, itching, dyspareunia (pain during intercourse), bleeding, increased nighttime urination, urinary incontinence, or urinary tract infections (Yim et al., 2015; Suchithra, Rajeev, and Dsilva, 2022). Mental health issues may include insomnia and depression, especially during the perimenopausal period (Guo, Ren, and Zhang, 2018; Nair and George, 2021). During menopause and post-menopause, a decline in quality of life may occur due to sexual dysfunction and various systemic changes that may lead to hypertension, diabetes, and other illnesses (Gozuyesil, Sarucu, and Alan, 2017; Mohammed and Mohammed, 2018) (Djula & Tambunan, 2023).

In conclusion, delaying pregnancy is permissible according to Islamic law and is considered equivalent to the permissibility of 'azl. Preventing pregnancy through calendar-based methods, condoms, and medically approved contraceptives that do not endanger physical or mental health is allowed (Gemi, 2013). However, permanent contraceptive methods that render reproductive organs nonfunctional are unanimously deemed forbidden by scholars. Forbidden contraceptives include vasectomy (cutting the sperm ducts) and tubectomy (cutting the fallopian tubes).

### **3.3. The Perspective of the Legal Maxim *Al-Ḍararu Yuḏāl* on the Use of Contraceptives to Delay Pregnancy**

One of the purposes of marriage is to continue lineage. Islam does not desire weak or disadvantaged offspring, whether in terms of physical or mental health, education, or access to basic needs such as food and clothing. Therefore, these factors must be taken seriously in order to achieve family well-being, as stated in the Qur'an, Surah an-Nisa (4):9:

"And let those fear [for their own children], who, if they [themselves] had left weak offspring behind, would have feared for them. So let them fear Allah and speak words of appropriate justice." (Kementerian Agama, 2019).

From the perspective of *maqāṣid al-sharī'ah*, the use of contraceptive methods to delay pregnancy is permitted in Islam if it is done for economic reasons that may otherwise lead to the child being deprived of proper education and welfare. However, if contraceptives are used solely for prioritizing a career or professional matters, then such usage is prohibited (Sudirman, 2018).



The practice of delaying pregnancy through methods that result in sterility—whether for men or women—is known as sterilization. This involves a surgical procedure, unlike temporary contraceptive methods. Sterilization in men is known as vasectomy, and in women as tubectomy. Unlike other contraceptive methods that are generally intended to space out pregnancies temporarily, sterilization is considered permanent. Though theoretically reversible, experts agree that the likelihood of restoring fertility is very low.

A vasectomy is a surgical procedure for men that involves cutting or tying the vas deferens, the tube that carries sperm. The purpose is to prevent fertilization by ensuring sperm does not reach the ejaculatory fluid. Vasectomy is regarded as one of the most effective contraceptive methods with a high success rate.

Tubectomy, also known as tubal sterilization or tubal ligation, is a permanent method of birth control for women. It involves cutting or blocking the fallopian tubes that connect the ovaries to the uterus, thus preventing the meeting of the sperm and egg. This method is also considered highly effective.

If the use of contraceptives is aimed at regulating births, not limiting them to a specific number such as only two children, then Islam does not prohibit it, provided that the reasoning is logical. Permissible contraceptives in Islam are those that are temporary (non-permanent), can be self-administered or administered by someone permitted to view one's private parts (aurah)—or, if not, under emergency situations only—and the materials used must be halal and not harmful to the user. This aligns with the following hadith of the Prophet:

*"Abu Nu'aim narrated to us, Sufyan narrated from Sa'd bin Ibrahim from 'Amir bin Sa'd from Sa'd bin Abi Waqqas (may Allah be pleased with him), who said: "The Prophet (peace be upon him) visited me when I was ill in Mecca." He disliked the idea of dying in a land from which he had emigrated. The Prophet said, "May Allah have mercy on Ibn 'Afra'." I said, "O Messenger of Allah, I want to bequeath all my wealth." He said, "No." I said, "Then half of it?" He replied, "No." I said again, "A third?" He said, "Yes, a third—and a third is still too much. It is better to leave your heirs wealthy than to leave them poor and begging from people. Whatever you spend for the sake of Allah is considered charity, even the morsel of food you place in your wife's mouth. May Allah raise you so that He may benefit others through you or cause harm to others through you." At that time, Sa'd had no heirs except a daughter." (Narrated by Bukhari and Muslim, no. 2537)."*

In Islamic law, sterilization is generally prohibited because it is permanent and results in infertility. This clearly contradicts the primary purpose of marriage—legitimate procreation, achieving happiness in both this world and the hereafter, and appreciating the blessings bestowed by Allah SWT. Additionally, sterilization is prohibited because it involves altering the natural creation of Allah by removing or damaging healthy and functional body parts (such as the reproductive tracts).

Sterilization is also considered a form of self-harm, involving the removal or destruction of body parts, which can endanger the person. However, in cases of necessity—for example, to avoid the transmission of genetic diseases to offspring or when the mother's life is at risk if she becomes pregnant—sterilization is permitted. This aligns with the legal maxim in Islamic jurisprudence: *necessities permit the forbidden* (Hayati, 2015).

Contraceptive methods that are not permissible in Islam include those that cause infertility and are permanent in nature, such as sterilization procedures like vasectomy and tubectomy. A vasectomy is a minor surgical procedure in men that involves cutting or tying the sperm ducts so that sperm cannot exit through the urethra (Sudarto, 2018). A tubectomy involves severing the passage between the ovary and the egg and sealing both ends, preventing the egg from entering or exiting the uterus and ensuring that sperm does not reach the ovum.

#### 4. Conclusion

The study finds that the use of contraceptive methods in Islam is permissible when the intention is to regulate childbirth rather than to restrict it to a fixed number, such as only two children. This aligns with the broader objectives of Islamic law (*maqāṣid al-sharī'ah*), which prioritize family welfare and responsible parenthood. Contraceptives that are temporary (non-permanent), safe, and halal in their materials are considered acceptable. Moreover, their application must observe ethical boundaries, such as the permissibility of exposing 'awrah only in emergency contexts. These criteria emphasize that contraception is not inherently haram but must be evaluated based on its purpose, method, and impact. A major strength of this study lies in its integration of classical Islamic legal principles with contemporary health and reproductive concerns. By analyzing contraceptive use through the lens of the *fiqh* maxim *al-ḍararu yuzāl* (harm must be eliminated), the research demonstrates how Islamic jurisprudence can be both adaptive and protective of individual and public welfare. The study also draws on authoritative scriptural and scholarly sources, offering a grounded yet contextually responsive interpretation. This approach bridges tradition and modernity, making the findings applicable for both scholars and practitioners in Muslim communities.

the study has some limitations that must be acknowledged. It primarily focuses on general Islamic perspectives and does not deeply engage with differences among the various schools of Islamic jurisprudence (*madhāhib*), which may have nuanced positions on sterilization and contraceptive use. Additionally, the research lacks empirical data from Muslim healthcare providers or patients regarding real-world contraceptive decisions. Future studies could benefit from including fieldwork or case studies to strengthen the practical applicability of the theoretical findings presented here.



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