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Vasectomy as Social Assistance Conditionality: A Legal Discourse Analysis of Pragmatic Utilitarian versus Sharia Based Reproductive Rights in Indonesian Family Law

Article

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Abstract

The vasectomy controversy as a prerequisite for social assistance triggered by the statement of West Java Governor Dedi Mulyadi has caused a debate between pragmatic and religious perspectives in Indonesia. This study aims to analyze the construction of the pro-con arguments for vasectomy through the debate between Adi Armando and K.H.Kholil Nafis at the "Democracy Record" event on May 6, 2025. The research method uses library research with a descriptive qualitative approach and critical discourse analysis of the Norman Fairclough model which analyzes textual dimensions, discursive practices, and social practices. Data was obtained from transcripts of television shows, online news articles, policy documents, and MUI fatwas. The results of the study show that Adi Armando builds utilitarian arguments based on economic efficiency and "rational choice", while Kholil Nafis uses theological arguments that emphasize the concepts of fitrah and magashid sharia. This debate reflects the tension between practical benefits and sharia normative provisions in regulating reproductive aspects, as well as implications for the structure of marital rights and obligations in Islamic family law which requires alternative solutions based on economic empowerment and temporary contraceptive methods.

Introduction

Public policies governing aspects of reproductive health and family planning often spark complex debates in society, especially when they intersect with religious values, human rights, and socio-economic realities.¹ One of the latest controversies that has emerged in Indonesian public discourse is the discourse delivered by the Governor of West Java Dedi Mulyadi on April 29, 2025, which proposed a vasectomy or male Family Planning (KB) as a condition for receiving social assistance (bansos).2

Muhammad Husni Abdulah Pakarti dkk., "Pengaruh Kebijakan Pemerintah Terhadap Keluarga Dalam Perspektif Hukum: Analisis Peraturan Kebijakan Keluarga Berencana," Familia: Jurnal Hukum Keluarga 4, no. 2 (2023): 2, https://doi.org/10.24239/familia.v4i2.93.

[&]quot;Kontroversi Dedi Mulyadi: Vasektomi Syarat Bansos hingga Anak Dikirim ke Barak Militer | tempo.co," Mei 2025, https://www.tempo.co/politik/kontroversi-dedi-mulyadi-vasektomi-syarat-bansos-hingga-anak-dikirim-kebarak-militer-1334242.



This policy proposal was born out of concern about the phenomenon of poverty which is associated with the high birth rate among economically weak communities.³ According to Dedi Mulyadi, the cost of birth which reaches Rp 15-25 million per delivery, especially for the fourth and fifth children, is a burden that is often delegated to the government through requests for assistance. In his view, "if people don't have the ability to pay for births, pay for pregnancy, pay for education, don't want to be parents first."⁴

However, this discourse immediately reaped a polarized response from various circles of society. On the one hand, there is support that sees vasectomy as a pragmatic solution to overcome the cycle of poverty and provide an alternative for men in family planning programs. On the other hand, there is strong rejection that considers the policy to violate human rights, discriminate against the poor, and contrary to religious values.⁵

This debate further crystallized when two contrasting perspectives were presented at the "Democracy Notes" event on May 6, 2025. Adi Armando, a politician from the Indonesian Solidarity Party (PSI), voiced a view in favor of vasectomy as a rational choice. According to him, "We must admit that the lower middle class often has difficulties. If they don't limit the number of children, they won't get social assistance." Armando emphasized that vasectomy is not a compulsory, but a well-understood option, and by providing incentives to those who choose this procedure, the government can help reduce the birth rate among underprivileged communities.

On the contrary, Kholil Nafis as a representative of the ulama emphasized his firm rejection of vasectomy. In his view, "Permanent spaying is prohibited in Islam. We should regulate birth spacing, not limit births." K.H. Kholil argues that poverty alleviation should not depend on limiting the number of children, but on job creation and wider access to education. He emphasized, "We must create jobs and provide access to education, not force people not to have children."

The contrast between these two views reflects the complexity of the vasectomy issue that not only involves medical and public policy aspects, but also touches on the theological, sociological, and philosophical dimensions of human reproductive rights. Armando's view represents a pragmatic approach that sees vasectomy as a population control instrument that can optimize the allocation of state resources, while K.H. Kholil's views reflect concerns about excessive intervention on human nature and potential socio-economic discrimination.

This polemic is even more complex when various other parties also respond. The National Commission on Human Rights (Komnas HAM) through Chairman Atnike Nova Sigiro emphasized that what a person does to his body is a human right and part of an individual's privacy. Meanwhile,

³ "Kontroversi Dedi Mulyadi: Vasektomi Syarat Bansos hingga Anak Dikirim ke Barak Militer | tempo.co."

Aditya Novrian, "Tagar #Vasektomi Trending, Usulan Dedi Mulyadi Soal KB Pria Jadi Syarat Penerimaan Bansos Tuai Polemik - Radar Malang," Tagar #Vasektomi Trending, Usulan Dedi Mulyadi Soal KB Pria Jadi Syarat Penerimaan Bansos Tuai Polemik - Radar Malang, 23 Juli 2025, https://radarmalang.jawapos.com/berita-terbaru/815946031/ tagar-vasektomi-trending-usulan-dedi-mulyadi-soal-kb-pria-jadi-syarat-penerimaan-bansos-tuai-polemik.

Muhammad Nasrul Hanasir dan Supardin, "Penggunaan Kontrasepsi Vasektomi Dalam Pandangan Hukum Islam," *Qadauna: Jurnal Ilmiah Mahasiswa Hukum Keluarga Islam* 1, no. 2 (2020): 2, https://doi.org/10.24252/qadauna.v1i2.12784.

Democracy Notes on TV One is a talk show or discussion program that discusses political and democratic issues. Based on available information.

⁷ [LIVE] Dedi Mulyadi: Mau Bansos, Vasektomi Dulu? | Catatan Demokrasi tvOne, diarahkan oleh tvOneNews, 2025, 01:20:49, https://www.youtube.com/watch?v=78rwe4E73vY.

⁸ [LIVE] Dedi Mulyadi.



the Center for Indonesia's Strategic Development Initiatives (CISDI) is worried that there will be double discrimination against the poor if this policy is implemented.⁹

From a medical perspective, vasectomy as a permanent contraceptive procedure has an almost 100% effectiveness rate in preventing pregnancy without affecting testosterone hormone production, libido, or erectile ability. Although this procedure is reversible, the success rate does not reach 100%, so it is still categorized as a permanent contraceptive method. 10

This controversy finally prompted Dedi Mulyadi to clarify on May 8, 2025, by stating that his party would not make vasectomy an absolute requirement to receive social assistance, but rather as a form of appeal and encouragement. However, this clarification does not necessarily end the debate, as the discourse on the pros and cons of vasectomy has evolved into a broader reflection on how the state should regulate the reproductive aspects of its citizens and the extent to which government intervention is acceptable in people's private lives.¹¹

The debate between the views of Adi Armando and Kholil Nafis is a reflection of the microcosm of the dilemma faced by contemporary Indonesian society in balancing the pragmatism of public policy with the fundamental values embraced by society. This study aims to analyze in depth the pros and cons of these arguments, as well as their implications for the formulation of more comprehensive and equitable reproductive health policies in Indonesia.

Method

This study uses a library research method with a descriptive qualitative approach to analyze the vasectomy controversy as a condition for social assistance through a case study of the debate between Adi Armando and Kholil Nafis in the "Democracy Notes" event on May 6, 2025. As a literature research, all data was obtained from available written sources and documentation, including transcripts of television programs, online news articles from Tempo.com and other mass media for the period April-May 2025, social assistance policy documents (Permendagri No. 99 of 2019), MUI fatwa on vasectomy from the Ijtima Ulama of the Fatwa Commission in Indonesia IV in 2012, 12 as well as academic literature related to reproductive health and human rights policies. The data analysis technique uses the critical discourse analysis of the Norman Fairclough model which analyzes the text in three dimensions: textual description to understand the linguistic structure and rhetorical strategies in the pro-contra vasectomy argument 13, the interpretation of discursive practices to analyze the context of discourse production, and the explanatory social practice to understand the ideological structure and power relations behind the debate between Adi Armando's pragmatic approach and religious values Kholil Nafis. The analytical framework integrates public policy theory, human rights, sociology of religion, and gender perspectives to

⁹ Tim Rakyat News, "Komnas HAM : Vasektomi Tak Bisa Ditukar Dengan Bansos," Rakyat News, *Rakyat News*, 2 Mei 2025, https://rakyat.news/read/140701/komnas-ham-vasektomi-tak-bisa-ditukar-dengan-bansos.

rsaw, "Vasektomi: Pilihan Kontrasepsi Pria yang Aman, Efektif, dan Minim Risiko," *Abdi Waluyo Hospital*, 25 Juni 2025, https://abdiwaluyo.com/health-info/vasektomi-pilihan-kontrasepsi-pria-yang-aman-efektif-dan-minim-risiko/.

¹¹ "Gubernur Dedi Kini Membantah Vasektomi Jadi Syarat Bansos," 9 Mei 2025, https://kbr.id/berita/nasional/gubernur-dedi-kini-membantah-vasektomi-jadi-syarat-menerima-bansos.

[&]quot;MUI - Majelis Ulama Indonesia - MUI - Majelis Ulama Indonesia," 2012, https://mui.or.id/baca/berita/ini-bunyi-lengkap-fatwa-vasektomi-hasil-ijtima-ulama-ke-iv-di-pesantren-cipasung-2012.

elya Munfarida, "Analisis Wacana Kritis Dalam Perspektif Norman Fairclough," *KOMUNIKA: Jurnal Dakwah Dan Komunikasi* 8, no. 1 (2014): 1–19, https://doi.org/10.24090/komunika.v8i1.746.



provide a comprehensive understanding of the complexity of the vasectomy issue in the context of Indonesian public policy formulation, with triangulation of sources from various media platforms to ensure the validity and reliability of the analyzed data.

Resulst and Discussion

Construction of Adi Armando's Pragmatic Perspective Argument

Adi Armando, a communications practitioner and academic known for his analytical approach to socio-political issues, brings a pragmatic perspective in support of the free vasectomy program. As a public policy observer who often appears in various discussion forums, Armando has a strong background in understanding the complexity of Indonesia's socio-economic problems.¹⁴

Adi Armando's argument is built on economic calculations that prioritize efficiency, following a simple logic pattern: persistent poverty causes unresolved social problems, population regulation is one of the effective solutions to break the cycle of poverty, therefore free vasectomy as a way of regulating the population is a sensible and necessary policy.

Armando uses a utilitarian argument strategy, which is that an action is considered good if it provides the greatest benefit to the majority of people.¹⁵ This approach can be seen from the way he presents statistical data and population estimates to show that uncontrolled population growth will exacerbate poverty in Indonesia.

The use of the term "rational choice" is the key in building his argument. Armando has consistently emphasized that vasectomy is not a compulsory, but a sensible option for poor families who want to improve their quality of life. This perspective is important because it shifts the focus from the moral-religious aspect to the practical-economic aspect, thus creating a more "neutral" and evidence-based discussion space. ¹⁶

Armando presents vasectomy in a sophisticated way by placing it in the context of rational economic choices, not as the only solution, but as part of an overarching strategy in overcoming poverty.

In the way he is presented, Armando uses three main approaches. First, he uses a "long-term investment" perspective in which vasectomy is presented as a form of family investment for a better future. By reducing the number of children, families can use limited resources to improve the quality of education and health of existing children.¹⁷

This perspective is powerful because it turns negative perceptions about birth restrictions into positive strategies for building families. Second, he uses an "empowerment" perspective in which vasectomy is presented as a way of giving poor families control over their own future. Instead of being passive victims of the cycle of poverty, families can take active action to change

[&]quot;Rekam Jejak Ade Armando Sampai Diangkat jadi Komisaris PLN Nusantara Power | tempo.co," Tempo, 4 Juli 2025, https://www.tempo.co/ekonomi/rekam-jejak-ade-armando-sampai-diangkat-jadi-komisaris-pln-nusantara-power-1895391.

¹⁵ "An Introduction to the Principles of Morals and Legislation," *Econlib*, 2 Mei 2018, https://www.econlib.org/library/Bentham/bnthPML.html.

Herbert A. Simon, "A Behavioral Model of Rational Choice," *The Quarterly Journal of Economics* 69, no. 1 (1955): 99–118, https://doi.org/10.2307/1884852.

[&]quot;Becker, G. S. (1960). An Economic Analysis of Fertility. In G. B. Roberts (Ed.), Demographic and Economic Change in Developed Countries (pp. 209-240). Columbia University Press. - References - Scientific Research Publishing," 1960, https://www.scirp.org/(S(dt0vxmy1blcwx245otj11h3a))/reference/referencespapers?referenceid=3553336.



their conditions. Third, Armando uses a broader perspective of "social responsibility," in which individual reproductive decisions impact not only the family but also society as a whole.

The story of budget efficiency is the main pillar in Armando's argument. He systematically presented cost-benefit analysis calculations that showed that investing in a free vasectomy program would result in significant savings in the long run.¹⁸

This story is built through a comparison of the cost of family planning programs with the social costs of uncontrolled population growth, such as education, health, and social assistance costs. Armando uses economic terms such as "return on investment," "cost-effectiveness," and "fiscal sustainability" to give scientific legitimacy to his argument. This use of technical language not only shows the depth of his analysis but also creates an impression of professionalism and objectivity that is difficult to refute with emotional or ideological arguments.

The story of population regulation developed by Armando is proactive and preventive. He did not wait for a demographic crisis to occur, but advocated preventive measures that would prevent future socio-economic disasters.

This approach reflects the strategic planning thinking common in modern management, where anticipation of problems is considered more prudent than reactive response. ¹⁹ Armando built a thinking about reproductive responsibility that linked reproductive rights to social responsibility. In his perspective, reproductive freedom is not absolute but must be balanced with consideration of broader socio-economic impacts. This development of thinking is sophisticated because it does not frontally deny reproductive rights, but places them within the framework of social responsibility.

The idea of social assistance is built within the framework of shared responsibility between the state and citizens. Armando argues that the state has an obligation to provide social assistance, but citizens also have a responsibility not to burden the social assistance system through unwise reproductive decisions.²⁰ This development created a new social contract between the state and the people, in which access to social assistance was associated with "responsible" reproductive behavior.

Construction of Arguments from the Religious Perspective of Kholil Nafis

Kholil Nafis, as a prominent cleric and Nahdlatul Ulama figure who has a wide influence in the Indonesian Muslim community, brings a fundamental religious perspective in opposing the free vasectomy program. With a background as a figh expert and long experience in giving religious fatwas, Kholil Nafis has a strong moral and intellectual authority in the Muslim community.²¹

Kholil Nafis' argumentative structure is built on the theological foundation of Islam that places the will of Allah and human nature as the main reference. His argument follows a logical

¹⁸ "Coale, A.J. and Hoover, E.M. (1958) Population Growth and Economic Development in Low-Income Countries. Princeton University Press, Princeton, 6-25. - References - Scientific Research Publishing," 1958, https://www.scirp.org/reference/referencespapers?referenceid=1736933.

¹⁹ "Dana Meadows and The Limits to Growth," *ResearchGate*, advance online publication, Agustus 2001, https://doi. org/10.1016/S0921-8009(01)00209-9.

^{20 &}quot;Article Review -Citizenship and Social Class," ResearchGate, Maret 2016, https://doi.org/10.13140/ RG.2.1.3562.4089.

²¹ Dr Martin van Bruinessen, NU; Tradisi, Relasi-Relasi Kuasa, Pencarian Wacana Baru (Lkis Pelangi Aksara, 1994).



pattern rooted in sharia principles: Allah created humans with reproductive abilities as part of His nature and trust, permanent intervention in reproductive ability is a form of resistance to Allah's will, therefore vasectomy as permanent sterilization is contrary to Islamic teachings.²²

K.H. Kholil uses an interpretive approach in understanding religious texts that are relevant to the issue of reproduction. He not only quotes verses and hadith literally, but also analyzes their context and implications in contemporary situations. This approach demonstrates the depth of scholarship in the Islamic tradition and gives its position a strong theological legitimacy.

The concept of human nature (fitrah) is central in building his argument. K.H. Kholil argued that reproductive ability is not just a biological function but an integral part of human identity as a caliph on earth.²³

Permanently impairing or eliminating this ability is considered a form of denial of divine nature and plan. K.H. Kholil does a strong way of presenting it by using the term "permanent sterilization" which has a strong negative connotation in Indonesian culture. The choice of the word "spaying" is not a coincidence, because in the context of Indonesian culture, this term refers to the practice of castration that is generally carried out on animals, not humans. This way of presenting indirectly degrades human dignity by equating modern medical practice with practices that are considered undignified.

The emphasis on the "permanent" aspect is key in the way it is presented because it raises the issue of irreversibility that causes psychological anxiety. K.H. Kholil argues that a permanent decision in terms of reproduction is contrary to Islamic principles that allow room for repentance and change.²⁴

Humans can change their minds, economic conditions can improve, or God can provide more sustenance, but vasectomy does not allow room for such changes. This religious way of presenting also associates vasectomy with the concepts of destiny and sustenance. K.H. Kholil argues that the number of children is the destiny of Allah and each child brings his own sustenance. Vasectomy is considered a form of disbelief (su'udzon) in the guarantee of Allah's sustenance and man's attempt to "regulate" His will.

K.H. Kholil strategically uses the term religion which has a strong emotional and spiritual influence in the Muslim community. He uses concepts such as "fitrah," "destiny," "sustenance," "trust," and "wisdom" to construct a thorough moral framework for rejecting vasectomy.²⁵

The term "trust" is used to emphasize that reproductive ability is a trust of God that must be maintained and must not be destroyed. This concept of trust is strong because it creates a high sense of responsibility and causes feelings of guilt if it is violated. Every Muslim understands that the mandate will be held accountable in the hereafter. The use of the concept of "wisdom" or divine wisdom is a rebuttal to economic-rational logic. K.H. Kholil argues that humans with limited intellect cannot understand the wisdom behind every provision of Allah, including the number of children given to each family. What appears to be an economic burden now may be a blessing and a good in the future.

²² Yusuf Al-Qaradawi, *The Lawful and the Prohibited in Islam (Al-Halal Wal Haram Fil Islam)* (American Trust Publications, 1999).

²³ M. Hasbi Ash Shiddieqy (Teungku), *Pengantar hukum Islam* (Bulan Bintang, 1968).

²⁴ "Majmu' fatawa juz 22 / Syaikh al Islam Ibnu Taimiyah | Perpustakaan Universitas Islam Negeri Sultan Syarif Kasim Riau," diakses 23 Juli 2025, https://inlislite.uin-suska.ac.id/opac/detail-opac?id=31039.

²⁵ Al-ghazali, *Mutiara Ihya Ulumuddin* (PT Mizan Pustaka, 2014).



K.H. Kholil not only rejects vasectomy but also builds alternative thinking that is more in line with Islamic values. He advocated an economic empowerment approach as a more fundamental and sustainable solution to overcome poverty.²⁶

This alternative thinking is built on Islamic economic principles such as distributive justice, zakat, and social solidarity. The concept of economic empowerment carried out by K.H. Kholil includes several dimensions: improving skills and education, access to business capital, developing the people's economy, and strengthening the zakat and waqf system. This approach is considered more dignified because it increases human capacity rather than limiting its reproductive potential.

The idea of "blessings of the big family" is built as a counterstory to the neo-Malthusian view. K.H. Kholil argues that in the Islamic tradition, many children are not a problem but a blessing, as long as they are accompanied by earnest efforts in earning a living and educating children well.²⁷ This concept is in accordance with the traditional values of the Indonesian people who value the extended family.

Normative Analysis of Vasectomy in the Framework of Sharia Maqashid and Islamic Family Law

The controversy over vasectomy as a prerequisite for social assistance cannot be separated from an in-depth analysis of the fundamental principles of Islamic family law, especially within the framework of sharia maqashid.²⁸ The debate between Adi Armando's pragmatic approach and Kholil Nafis's religious perspective actually reflects the tension between practical benefits (mashlahah 'amaliyyah) and sharia normative provisions (ahkam syar'iyyah) in regulating the reproductive aspects of Muslim families.²⁹

In the perspective of maqashid shariah, there are five main interests that should be taken care of: hifz al-din (religious care), hifz al-nafs (care of the soul), hifz al-'aql (care of reason), hifz al-nasl (care of lineage), and hifz al-mal (care of property). Vasectomy as permanent sterilization directly touches the aspect of hifz al-nasl, which in the classical fiqh tradition is understood as a sharia obligation to maintain the continuity of descent as an integral part of human nature and the mission of the caliphate on earth.

Muhammad Akram Khan, *Islamic Economics: Annotated Sources in English and Urdu, Vol. 3*, 2004, https://www.academia.edu/10912548/Islamic_Economics_Annotated_Sources_in_English_and_Urdu_Vol_3.

²⁷ Sayyid Abul A`la Maududi, "Islamic Way of Life," Universitas Indonesia Library, Islamic Publication, 1967, https://lib.ui.ac.id.

²⁸ Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (International Institute of Islamic Thought (IIIT), 2008).

Mohammad Hashim author Kamali, *Principles of Islamic Jurisprudence*, with Internet Archive (Cambridge, United Kingdom: The Islamic Texts Society, 2003), http://archive.org/details/principlesofisla0000kama.546 pages; 24 cm; In this work, Kamali presents a detailed exposition of the theory of Muslim jurisprudence. Written as a university textbook, it is suitable not only for students of Islamic law, but also for anyone with an interest in Muslim societies; Includes bibliographical references (pages 527-535

[&]quot;Menengok Isi Kitab Ushul Fiqh 'al-Burhan' Karya Imam Haramain," NU Online, 23 Juli 2025, https://www.nu.or. id/pustaka/menengok-isi-kitab-ushul-fiqh-al-burhan-karya-imam-haramain-Z09rx.

Humas UIN Salatiga, "Moderasi Islam: Memelihara Kehormatan Keturunan Dan Keluarga (Bagian 1)," Kolom Rektor, *Uin Salatiga*, 12 Maret 2024, https://www.uinsalatiga.ac.id/moderasi-islam-memelihara-kehormatan-keturunan-dan-keluarga-bagian-1/.



An analysis of the MUI fatwa in the Ijtima Ulama of the Fatwa Commission in Indonesia IV in 2012 shows that permanent sterilization is categorized as an act that is contrary to sharia principles because of several fundamental considerations.³² First, it is contrary to the concept of reproductive nature which is a gift of Allah that should not be permanently damaged. Second, it violates the principle of la dharar wa la dhirar (it is not permissible to cause harm and it is not permissible to repay harm with harm), because vasectomy is considered to cause greater harm than the benefit.³³ Third, it goes against the principle of al-yaqin la yuzal bi al-syakk (belief cannot be eliminated by doubt), where belief in the blessing of offspring cannot be replaced by mere economic doubt.³⁴

However, complexity arises when the principles of sharia maqashid are confronted with contemporary socio-economic realities. The pragmatic approach carried out by Adi Armando can actually also be seen as an effort to maintain the maqashid of sharia, especially hifz al-nafs through improving the quality of family life and hifz al-mal through wiser management of resources. Within the framework of qawa'id fiqhiyyah (the rules of fiqh), there is a principle of la dharar wa la dhirar that can be interpreted in the context of preventing the harm of sustainable poverty.³⁵

A closer analysis shows that this debate actually reflects the tension between two approaches to understanding maslahat: maslahat mu'tabarah (benefits that are recognized by sharia) versus maslahat mursalah (benefits that do not have a specific nash but are in line with the goals of sharia). Kholil Nafis represents the approach of maslahat mu'tabarah that adheres to explicit nashnash, while the pragmatic approach can be categorized as an effort to apply maslahat mursalah in a contemporary context.

From the perspective of Islamic family law, reproductive decisions are not solely an individual right but also involve a broader social dimension. The concept of the sakinah family, mawaddah wa rahmah in the Qur'an implies that the formation of the family should be based on the ability to create an environment conducive to the development of family members. However, this ability is not solely measured from economic aspects but also spiritual, psychological, and social.³⁶

Implications of the Vasectomy Policy on the Concept of Marital Rights and Obligations and Husband's Responsibilities in Islamic Family Law

The vasectomy policy as a prerequisite for social assistance not only presents debates from medical and economic aspects, but also poses profound implications for the fundamental structure of rights and obligations in Islamic marriage.³⁷ Within the framework of Islamic family law, reproductive decisions are inseparable from the sharia conception of the purpose of marriage,

³² "MUI - Majelis Ulama Indonesia - MUI - Majelis Ulama Indonesia."

³³ Adib Hamzawi, "Qawaid Ushuliah & Qawaid Fiqhiyah (Melacak Konstruksi Metodologi Istinbath al-Ahkam)," *INOVATIF: Jurnal Penelitian Pendidikan, Agama, Dan Kebudayaan* 2, no. 2 (2016): 2.

³⁴ Edo Segara Gustanto dan Jaih Mubarok, *Kaidah Fikih "Al-Ashlu Fi Al-Asyya' Al-Ibahah" dalam Konteks Ekonomi dan Bisnis Syariah*, 2 (2023).

Anwar Fauzi dan Arif Masdukhin, "Teori Niat Dan Ungkapan Dalam Qawaid Fiqhiyah Dan Penerapannya Dalam Fiqh," *ASAS* 15, no. 01 (2023): 66–81, https://doi.org/10.24042/asas.v15i01.14299.

Kamaruzzaman Bustamam-Ahmad, "The Aplication Of Islamic Law In Indonesia: The Case Study In Aceh," *Journal Of Indonesian Islam* 1, no. 1 (2007): 1, https://doi.org/10.15642/JIIS.2007.1.1.135-180.

[&]quot;Vasektomi sebagai Syarat Bansos: Membedah Aspek Etis dan Hukum Islam - klikmu," 5 Juli 2025, https://klikmu.co/vasektomi-sebagai-syarat-bansos-membedah-aspek-etis-dan-hukum-islam/.



the division of roles between husband and wife, and reproductive responsibilities which are comprehensively regulated in the Qur'an, hadith, and ijtihad of scholars.³⁸

Marriage in Islam is not solely understood as a civil contract, but rather as a sacred bond (*mitsaqan ghaliza*) that creates reciprocal rights and obligations between husband and wife.³⁹ The Qur'an in Surah al-Baqarah verse 187 states: "*Hunna libasun lakum wa antum libasun lahunna*" (They are clothes for you, and you are clothes for them),⁴⁰ which describes closeness, protection, and complementarity in the relationship between husband and wife. Imam al-Ghazali in Ihya Ulum al-Din emphasizes that one of the main purposes of marriage is "*li tahsil al-walad*" (to obtain offspring) as part of human nature and the implementation of the functions of the caliphate on earth. This concept shows that the right to have offspring is not a mere individual right, but a common right that must be realized through the agreement of both parties.⁴¹

Complexity arises when this reproductive right is confronted with the economic realities and public policies that condition vasectomy as a condition of social assistance. Wahbah al-Zuhayli in al-Fiqh al-Islami wa Adillatuh emphasized that any decision related to reproduction must consider the principle of shura (deliberation) between husband and wife, because such a decision will have an impact on the reproductive rights of both parties. 43

Muhammad Abu Zahrah in Tanzim al-Usrah fi al-Islam explains that the responsibility of the husband in reproductive decisions includes three main dimensions: spiritual responsibility (considering the pleasure of Allah), psychological responsibility (considering the impact on the wife), and socio-economic responsibility (considering the ability to provide for the family).⁴⁴ Vasectomy as a permanent procedure poses a dilemma because it can conflict with spiritual and psychological responsibilities, although it may be in line with socio-economic responsibilities. In the perspective of the obligation of maintenance (nafaqah), Islamic family law stipulates that the husband is obliged to provide maintenance that covers the basic needs of the wife and children. Imam al-Kasani in Bada'i al-Sana'i explained that this obligation of maintenance is absolute and cannot be reduced except in emergency conditions recognized by sharia.

Islamic family law also recognizes the wife's right to reproductive decisions through various mechanisms, including the right to be consulted in all important family decisions. Yusuf al-Qaradawi in Fiqh al-Mar'ah al-Muslimah affirms that although the husband has the authority of

³⁸ uri Reformans, "Vasektomi Dalam Tinjauan Hukum Islam (Analisis Maqasid Asy-Syari'ah Dan 'Illat Hukum Terhadap Hasil Keputusan Muktamar Nahdlatul Ulama Nomor 381 Tahun 1989)" (skripsi, Uin Sunan Kalijaga Yogyakarta, 2021), https://digilib.uin-suka.ac.id/id/eprint/46552/.

³⁹ Siti Latifa dan Ermi Suhasti Syafei, "PARTISIPASI SUAMI MELAKUKAN VASEKTOMI," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 7, no. 2 (2014): 2, https://doi.org/10.14421/ahwal.2014.07202.

⁴⁰ "Surat Al-Baqarah Ayat 187: Arab, Latin, Terjemah Dan Tafsir Lengkap | Quran NU Online," diakses 6 Agustus 2025, https://quran.nu.or.id/al-baqarah/187.

⁴¹ Muhammad Nasrul Hanasir dan Supardin, "Penggunaan Kontrasepsi Vasektomi Dalam Pandangan Hukum Islam," *Qadauna: Jurnal Ilmiah Mahasiswa Hukum Keluarga Islam* 1, no. 2 (2020): 60–71, https://doi. org/10.24252/qadauna.v1i2.12784.

⁴² "Vasektomi dalam Perspektif Hukum Islam dan Kebijakan Publik," Opini, *GEOTIMES*, 17 Mei 2025, https://geotimes.id/opini/vasektomi-dalam-perspektif-hukum-islam-dan-kebijakan-publik/.

⁴³ Sabrina Lahutiy dan Yunita Wulandari, "Husband And Wife's Rights in Gender Study: Study of The Islamic Fiqh Wa Adilatuhu by Wahbah Azzuhaili," *Jurnal Mediasas: Media Ilmu Syari'ah Dan Ahwal Al-Syakhsiyyah* 8, no. 2 (2025): 2, https://doi.org/10.58824/mediasas.v8i2.343.

Ahmad Diar Kushendar dan Deddy Effendy, "Tanggung Jawab Suami Terhadap Istri Dalam Menafkahi Keluarga Ditinjau Dari Hukum Islam Dan Hukum Positif," Bandung Conference Series: Law Studies 3, no. 1 (2023): 137–44, https://doi.org/10.29313/bcsls.v3i1.4929.



qiwamah, decisions related to reproduction require the wife's consent as it concerns her body and reproductive rights. Vasectomy as a procedure performed on the husband's body but has an impact on the wife's reproductive rights creates unique legal complexity. In cases where a vasectomy is performed without the wife's consent or due to external economic pressure, this can be categorized as a violation of the wife's reproductive rights. Imam Ibn Qudamah in al-Mughni states that any act that takes away the rights of the wife without her consent can be the basis for a claim for compensation or even divorce.

Within the framework of sharia maqashid, the vasectomy policy as a condition of social assistance raises a conflict between several fundamental principles. From the aspect of hifz almal (asset protection), this policy can be understood as an effort to optimize the use of state resources and help families manage finances better. However, from the aspect of hifz al-nasl (care for offspring), permanent vasectomy has the potential to be contrary to the sharia goal of maintaining the continuity of offspring. Jasser Auda in Maqasid al-Shariah as Philosophy of Islamic Law puts forward a holistic approach in resolving maqashid conflicts, where priority is given to maqashid that provides greater and comprehensive benefits to the family and society.⁴⁷

The concept of maslahah mursalah (benefits that are not explicitly regulated in nash) becomes relevant in analyzing vasectomy policies. Imam al-Shatibi in al-Muwafaqat stipulates that acceptable maslahah must meet three criteria: in line with the goals of the Shari'a, not in conflict with the nash that is qath'i (certain), and provide clear and measurable benefits. The application of this criterion to the vasectomy policy shows the complexity that requires the collective ijtihad of contemporary scholars to find a solution that is in accordance with Islamic principles.

Given the complexity of the implications of vasectomy on the rights and obligations of marriage in Islam, it is necessary to develop an alternative family planning model that is more in line with sharia principles. Muhammad Salam Madkur in al-Zawaj fi al-Shari'ah al-Islamiyyah proposes an integrated approach that combines the method of temporary contraception with a family economic empowerment program. This alternative model includes the use of temporary contraceptive methods that do not violate the principles of hifz al-nasl, economic empowerment programs that include skills training and access to business capital, strengthening the zakat and waqf system as a mechanism of social solidarity, and sakinah family education programs that integrate spiritual, psychological, and economic aspects in family planning.

The implementation of this alternative model requires synergy between the government, religious institutions, and civil society. Islamic institutions such as MUI, Muhammadiyah, and NU can play a role in developing practical guidelines that combine sharia principles with the

Nida Rafiqa Izzati dkk., "Konstruksi Pemikiran Yusuf Al-Qardhawi Dalam Pembaruan Hukum Keluarga Islam," *Jurnal Interpretasi Hukum* 5, no. 3 (2024): 1193–206, https://doi.org/10.22225/juinhum.5.3.10608.1193-1206.

Fataqia Rahma, "Konsep Perlindungan Perempuan Dalam Pernikahan Analisis Pendapat Ibn Qudamah," *Jurnal AL-AHKAM* 14, no. 1 (2023): 13–31, https://doi.org/10.15548/alahkam.v14i1.6276.

⁴⁷ Zaprulkhan Zaprulkhan, "Maqāṣid Al-Shariah in the Contemporary Islamic Legal Discourse: Perspective of Jasser Auda," *Walisongo: Jurnal Penelitian Sosial Keagamaan* 26, no. 2 (2018): 2, https://doi.org/10.21580/ws.26.2.3231.

⁴⁸ Khoiruddin Nasution, "Rational-Scientific Thinking and Interdisciplinary and Multidisciplinary Approaches in the Study of Islamic Family Law," *Al-Ahwal: Journal of Islamic Family Law* 10, no. 1 (2017): 1, https://doi.org/10.14421/ahwal.2017.10102.

⁴⁹ Iwan Falahudin, "The Concept of the Sakinah Family as an Alternative Solution to Domestic Conflict," *Insights: Journal of Education and Training of the Jakarta Religious Education and Training Center* 2, no. 1 (2021): 1, https://doi.org/10.53800/wawasan.v2i1.41.



contemporary needs of Indonesian Muslim families.⁵⁰ Meanwhile, the government can provide supporting infrastructure in the form of access to reproductive health, economic empowerment programs, and social protection systems that do not violate religious values, thus creating a balance between the economic needs of the family and the preservation of fundamental values in Islamic family law.

Conclusion

Based on an in-depth analysis of the vasectomy debate as a prerequisite for social assistance between the pragmatic perspectives of Adi Armando and the religious Kholil Nafis, this study concludes that the controversy reflects the fundamental tension between the utilitarian approach that prioritizes economic efficiency and the normative principles of Islam that emphasize the protection of reproductive nature (hifz al-nasl) within the framework of sharia maqashid. Armando builds a "rational choice" argument based on cost-benefit analysis and long-term investment to break the cycle of poverty, while Kholil Nafis uses a theological approach that emphasizes vasectomy as a violation of human nature and contradicts the MUI's fatwa on the prohibition of permanent sterilization. This debate not only presents a public policy dilemma, but also raises complex implications for the structure of marital rights and obligations in Islamic family law, which requires an alternative solution in the form of a holistic approach that integrates temporary contraceptive methods, family economic empowerment programs, strengthening the zakat and waqf system, and sakinah family education that can balance the practical needs of population control with preservation fundamental values of sharia in regulating the reproductive aspects of the Indonesian Muslim community.

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