



Implications of Infertility in Building Household Integrity From an Islamic Legal Perspective (Study in Parepare City)

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ABSTRACT

The main study in this research is the Implications of Infertility in Fostering Household Integrity from an Islamic Legal Perspective (Study in Parepare City). In fact, the purpose of marriage is not only to worship, but also to produce offspring. The results of the research show that (1) There is a mismatch in the expectations of married couples in having children in the city of Parepare, which is not the least of married couples in the city of Parepare who experience infertility. (2) Factors that influence the household integrity of couples who experience infertility in the city of Parepare are Religion, Love and Economics (3) The implication of infertility for couples who experience it in the city of Parepare is that there is a lot of pressure from the family to immediately give birth to children. Which ultimately gives rise to a deep sense of disappointment felt by the sufferer. So some sufferers choose to practice polygamy and adopt children from their own families.

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1. INTRODUCTION

Marriage is an individual activity. Individual activities will generally be related to a goal that the individual concerned wants to achieve, as is the case with marriage. Marriage is not only about legal sexual relations but also has its own legal goals and consequences.

The presence of a child in a marriage is one of the motivations for someone to get married. It can even be said that the happiness of a new marriage can be realized when children are present to enliven household life. With children, household life will become stronger and more harmonious. Children are the most beautiful gift in a household. Because there are those who think that children are a new source of sustenance. The presence of children in the family can provide positive benefits for married couples from a psychological, economic and social perspective.

The presence of children also has its own benefits when viewed from a religious perspective. In the Islamic religion, for example, one of the purposes of marriage is to fulfill the basic biological need to reproduce. The purpose of marriage is also to preserve and develop the children of Adam. However, the most important thing in marriage is not just having children, but trying to find and form a quality generation, namely looking for children who are pious and devoted to Allah SWT.

Seeing how important the presence of children is in a marriage, it is not surprising that every married couple tries to have children as quickly as possible. There are also couples who are trying to have children using various methods and efforts, but sometimes their hopes are not necessarily fulfilled. Because usually marriages are not always perfect, even the difficulty of having children can cause stress and deep problems for these couples. The inability to have children will result in a large emotional burden on couples experiencing infertility.

Based on the results of initial observations made by the author, there were several married couples in Parepare City who experienced this. And of course couples who experience this continue to try to find the best solution for the mutual benefit. There are couples who choose to adopt children, there are those who choose to have polygamy in order to have offspring, and there are those who decide not to adopt or practice polygamy but choose to focus on mutually maintaining household harmony without the presence of offspring.

2. METHODOLOGY

This research uses a qualitative approach with a case study in Parepare City. Research subjects Couples who experience infertility and have experience in dealing with this problem. Then the data will be analyzed thematically to identify patterns, themes and implications of infertility on household integrity from an Islamic Law perspective.

3. RESULTS AND DISCUSSION

3.1 The Reality of Infertility in Parepare City

3.1.1 The reality of infertility in Parepare City

In this case the author discovered the fact that there are many infertility sufferers in Parepare City. The author encountered at least 2 pairs of infertility sufferers in each sub-district in Parepare City.

3.1.2 The Occurrence of Infertility Cases at the Parepare Religious Court

Not only collecting data from the community through direct interviews, the author also conducted research regarding infertility sufferers who were litigating at the Parepare Religious Court and discovered the fact that from the beginning of 2023 to mid-2023 there were 6 divorce cases registered by infertility sufferers at the Parepare Religious Court. and only one polygamy case from 2021 to mid-2023.

3.2 Factors that Influence Household Integrity for Couples Experiencing Infertility in Parepare City

Based on the results of interviews from several informants in Parepare City, in the analysis the author draws the conclusion that several couples who experience infertility in Parepare City choose to stay with their partner even without children due to 3 main factors, namely: Religion, Love and Economy.

3.3 Implications of Infertility in Parepare City

The direct consequence felt by infertility sufferers in Parepare City is a lot of pressure from the family to immediately give birth to children. Which ultimately gives rise to a deep sense of disappointment felt by the sufferer. So some sufferers choose to practice polygamy and adopt children from their own families.

Cause and effect of infertility, namely that some sufferers do not know for sure what is the cause of the infertility they are experiencing. However, there are those who think that fatigue in daily activities can affect fertility. There are also those who think that their genes do not match their partner's genes.

There are several risks borne by infertility sufferers in Parepare City regarding the decisions taken in responding to the infertility they experience, including: increasing patience in dealing with pressure from external parties. Then, those who choose the path of polygamy and adopt it feel an increase in expenditure in terms of material. And sufferers who choose polygamy also run the risk of disharmony between the families of their two wives. Not only that, there are even infertility sufferers in Parepare City who sacrifice their jobs to focus on pregnancy programs.

Probabilistic Causality: The causes and consequences experienced by infertility sufferers in Parepare City are related.

3.4 Review of Islamic Law on Husband and Wife's Efforts to Maintain a Household Experiencing Infertility

3.4.1 Loyal to your partner

Loyalty in Islam is an attitude of understanding each other, looking after each other and not tearing each other down, in order to achieve a *sakinah mawaddah warahmah* family. The *sakinah mawaddah warahmah* family is a very ideal family condition that is formed based on the Al-Qur'an and Sunnah to achieve happiness in this world and the hereafter. A *sakinah* family will be realized if family members can fulfill their obligations towards Allah, towards themselves, towards their family, towards society and towards their environment, according to the teachings of the Qur'an and the Sunnah of the Prophet.

3.4.2 Adoption

Adoption of children in the traditions of the Jahiliyah era which gave adopted children the same status as biological children is not permitted by Islam. The relationship between the adopted child and the adoptive

parents and the adopted child's family remains as it was before the adoption, that is, it does not affect the law and inheritance of either relatives or outside the circle of relatives.

The Indonesian Ulema Council (MUI) in the National Working Meeting of the Indonesian Ulema Council in 1984 which took place on Jumadil Akhir 1405 H/March 1984 issued a fatwa regarding adoption as: 1) Islam recognizes legitimate descendants (nasab), namely children born from marriage (marriage). 2) Adopting (adopting) with the understanding that the child has lost his lineage (native relationship) with the biological father and mother is contrary to Islamic law. 3) The adoption of a child without changing the lineage and religious status is carried out out of a sense of social responsibility to care for, care for and educate with love, like one's own child, which is a commendable act and includes pious deeds recommended by the Islamic religion. 4) The adoption of Indonesian children by foreign citizens, apart from being contrary to Article 34 of the 1945 Constitution, also degrades the dignity of the nation.

3.4.3 Polygamy

Some scholars argue that polygamy is basically prohibited, except in emergencies. Both fardiyah (individual) emergencies and ijtimaiyah (social) emergencies. An example of a fardiyah emergency is a wife who is sick, infertile, or exposed to something that can reduce her husband's flirtation (istimta') towards her. Meanwhile, examples of daruray ijtimaiyah include the large number of orphans and widows due to war and natural disasters. In the two cases above, a husband can have polygamy without having to divorce his first wife as long as he maintains his honor because emergencies can allow prohibited items.

According to al-Thufi's maslahat, the theory of benefit development can be applied in this case, meaning whether polygamy is permissible or not is based on something that is pure, which brings more benefits to the servant and brings the least harm.

So under normal circumstances, meaning that when a wife does not have something that requires her husband to marry again, then polygamy is not legally permissible even though the dhohir verse allows it. This is not permissible because it is based on considerations of the benefit of the parties concerned. However, when circumstances arise that force a husband to commit to polygamy, such as a wife being barren or chronically ill, then polygamy is permitted on condition that the husband acts fairly, even though acting fairly is very difficult or even impossible.

3.4.3 Divorce

Infertility and its relation to divorce, Islamic law has determined that there are at least two general causes, namely because each husband/wife commits nusyuz or disobedience, and the nature of this disobedience is that each other does not fulfill their respective obligations. Apart from that, another reason is because there are continuous disputes between husband and wife, so that the marriage relationship is difficult to maintain, or in fiqh terms it is called syiqaq.

According to Islamic law, the two reasons above can pave the way for divorce. However, the specific reasons for divorce due to infertility are not specifically regulated in the law. However, the law only regulates that if one of the parties has a physical disability or illness which results in one or even both parties being unable to carry out their obligations as husband and wife, then divorce is permitted.

Based on the content of the judge's considerations at the previous Religious Court, as far as the author's observations are concerned, this is in accordance with the construction of legal exploration based on Islamic values. The judge considered the failure to fulfill the purpose of marriage as contained in the Al-Qur'an, Surah Ar-Rum verse 21, then also looked at the consideration of the benefits and harms of the marriage relationship. In conclusion, infertility that ends in quarrel between husband and wife can be used as a reason for divorce between husband and wife. However, in essence it is not because of infertility, but because of considerations of husband and wife quarrel (shiqaq).

4. CONCLUSION

Quite a lot of people experience infertility in Parepare City. There are at least 2 pairs of infertility sufferers in every sub-district in Parepare City. Not only that, several divorce and polygamy cases at the Parepare Religious Court office were also registered by infertility sufferers.

There are 3 main factors that are the reasons for infertility sufferers to stay with their partners, namely: Religion, Love, and Economics.

The view of Islamic law regarding the efforts made by couples experiencing infertility, namely: adoption (permissible out of a sense of social responsibility to care for, care for and educate with love, without changing their lineage status), polygamy (allowed on condition that the husband acts fairly), divorce (permissible but not because of infertility, but because of considerations of husband and wife quarrel (shiqaq)).

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