

Childfree by Choice: Competing Perspectives from Islamic Law, Indonesian Law, and Human Rights

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Abstract: This study aims to examine the legal status of childfree by choice in Indonesia by analyzing the competing perspectives of Islamic law, Indonesian law, and human rights, while identifying areas of convergence, divergence, and potential harmonization among these normative frameworks. The research employs a normative legal method using statutory, conceptual, comparative, and case approaches. Primary legal materials include the Qur'an, Hadith, the 1945 Constitution of the Republic of Indonesia, the Marriage Law, the Compilation of Islamic Law (KHI), international human rights instruments, and classical and contemporary Islamic legal literature, supported by scholarly publications and relevant judicial decisions. The findings demonstrate that Islamic law generally recognizes procreation as an important objective of marriage but allows contextual legal reasoning in exceptional circumstances. Indonesian law neither explicitly prohibits nor formally recognizes childfree by choice, leaving its legal status subject to interpretation within the existing legal framework. In contrast, the human rights perspective emphasizes reproductive autonomy as a fundamental right, provided its exercise remains consistent with legal obligations and the rights of others. The study concludes that the legal assessment of childfree by choice requires an integrated approach that balances religious principles, national legal norms, and human rights standards rather than relying exclusively on a single legal framework. This study contributes to contemporary Islamic family law scholarship by developing a comparative analytical framework for understanding voluntary childlessness, enriching interdisciplinary legal discourse, and providing normative references for legal reform, judicial interpretation, and public policymaking concerning emerging family issues in Indonesia.

Keywords: Childfree Choice, Family Law, Human Rights, Indonesian Law, Islamic Law

1. Introduction

The increasing visibility of childfree by choice has become one of the most debated family issues in contemporary societies,¹ including Indonesia,² where decisions concerning marriage and parenthood are closely connected to religious beliefs,³ legal norms,⁴ and social expectations.⁵ Unlike involuntary childlessness,⁶ childfree by choice refers to the deliberate decision of individuals or married couples not to have children despite having the biological capacity to do so.⁷ The phenomenon has gained significant

¹ Brittany Stahnke, Morgan E Cooley, and Amy Blackstone, "A Systematic Review of Life Satisfaction Experiences Among Childfree Adults," *Family Journal* 31, no. 1 (2023): 60–68, <https://doi.org/10.1177/10664807221104795>.

² Fathul Mu'in et al., "Childfree in Modern Muslim Communities of Lampung and West Java Provinces: A Maqāṣid Al-Sharī'ah Perspective," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 2 (December 31, 2024): 860, <https://doi.org/10.22373/ujhk.v7i2.22400>.

³ Jackie Toth, "The Reclamation of Legacy: Journeying Through Grief and Praise as a Childfree, Middle-Aged Woman," *Psychological Perspectives* 65, no. 3–4 (2022): 415–20, <https://doi.org/10.1080/00332925.2022.2138209>.

⁴ Chao Lu, "In Pursuit of Childfree Lifestyle?: Discursive Legitimation of Chinese Childfree Women on RedNote," *Journal of Asian Pacific Communication* 35, no. 2 (2025): 133–56, <https://doi.org/10.1075/japc.25024.cha>.

⁵ Heather Houser, "White Women Wondering and the Contortions of Childfree Writing," *Critical Inquiry* 51, no. 4 (2025): 619–40, <https://doi.org/10.1086/735691>.

⁶ Vered Shenaar-Golan and Omer Lans, "Measuring Differentiation of Self to Evaluate Subjective Well-Being in Women Who Are Childfree by Choice," *Family Journal* 31, no. 2 (2023): 278–87, <https://doi.org/10.1177/10664807221123552>.

⁷ Leslie Ashburn-Nardo, "Parenthood as a Moral Imperative? Moral Outrage and the Stigmatization of Voluntarily Childfree Women and Men," *Sex Roles* 76, no. 5–6 (2017): 393–401, <https://doi.org/10.1007/s11199-016-0606-1>.

public attention through digital media,⁸ urbanization, changing educational patterns, women's participation in higher education and the labor market, and shifting perceptions of marriage and family. These developments challenge the conventional understanding that procreation constitutes the primary purpose of marriage. In Indonesia, where family life is strongly influenced by Islamic values and communal traditions, voluntary childlessness frequently generates legal uncertainty and social controversy because it intersects with religious obligations, constitutional guarantees, and internationally recognized human rights. Consequently, the phenomenon extends beyond a private reproductive decision and raises broader questions concerning reproductive autonomy, family rights, legal certainty, and the state's role in regulating family life. The complexity of these issues demonstrates that childfree by choice deserves comprehensive legal examination through multiple normative perspectives rather than being evaluated exclusively from religious, legal, or human rights viewpoints.

Existing scholarship has extensively examined childfree by choice from sociological, psychological, demographic, feminist, and reproductive health perspectives, emphasizing the motivations, experiences, and social consequences of voluntary childlessness. Several studies have explored the influence of economic pressures, gender equality, environmental concerns, and changing family values on the increasing acceptance of childfree lifestyles.⁹ Other studies have investigated reproductive autonomy as an aspect of individual liberty protected under international human rights instruments. Within Islamic studies, previous research has primarily discussed the permissibility of childfree through *maqāṣid al-sharīah*, *ḥifẓ al-nasl*, or specific schools of Islamic jurisprudence, while legal studies in Indonesia have focused mainly on marriage legislation and constitutional protection of family rights.¹⁰ However, these studies generally analyze childfree from a single disciplinary perspective and rarely integrate Islamic law, Indonesian law, and human rights within one comprehensive analytical framework.¹¹ Consequently, important questions concerning the interaction, convergence, and divergence among these legal systems remain insufficiently addressed, creating a significant theoretical and normative gap in contemporary legal scholarship on family law.¹²

A critical evaluation of previous studies indicates that most scholars position Islamic law and human rights as competing normative systems without examining the possibility of legal reconciliation through constitutional principles and national legislation. Comparative studies have also concentrated largely on Western jurisdictions or East Asian societies such as Japan, South Korea, and Taiwan, where demographic decline and reproductive autonomy dominate public discourse. Comparatively fewer studies investigate Indonesia, despite its distinctive legal pluralism characterized by the coexistence of Islamic law, national law, and international human rights commitments. Moreover, earlier legal research frequently treats marriage solely as a contractual institution or a religious obligation without considering the broader interaction between religious doctrine, constitutional guarantees,¹³ and evolving human rights standards in determining the legal status of childfree by choice.¹⁴ This study therefore positions itself within the field of comparative normative legal analysis by examining childfree through three

⁸ Rhea Jaikumar Menon, "Reimagining Ageing and Later-Life Care: The Perspectives of Childfree Adults in Urban India," *Society* 62, no. 2 (2025): 183–94, <https://doi.org/10.1007/s12115-025-01065-0>.

⁹ Chao-ju Chen, "Who Cares? The Legal (Non)Recognition of Caregiving by Single and Childfree Aunts in Taiwan," *Family Court Review* 63, no. 4 (2025): 745–65, <https://doi.org/10.1111/fcre.70032>.

¹⁰ Siti Nurjanah and Iffatin Nur, "Childfree: Between the Sacredness of Religion, Law and the Reality of Society," *Al-Adalah* 19, no. 1 (June 20, 2022): 1–28, <https://doi.org/10.24042/adalah.v19i1.11962>.

¹¹ Jillian Lemke, Debra Mollen, and Johanna Soet Buzolits, "Sterilized and Satisfied: Outcomes of Childfree Sterilization Obtainment and Denials," *Psychology of Women Quarterly* 47, no. 4 (2023): 562–73, <https://doi.org/10.1177/03616843231164069>.

¹² Sophie Hennekam, Laura Radcliffe, and Danna Greenberg, "An Exploration of Being Childfree at Work: Challenges and Opportunities," *Gender, Work and Organization*, 2026, <https://doi.org/10.1111/gwao.70199>.

¹³ Imam Syafi'i et al., "Childfree in Islamic Law Perspective of Nahdlatul Ulama," *Al-Ahkam* 33, no. 1 (April 30, 2023): 1–22, <https://doi.org/10.21580/ahkam.2023.33.1.14576>.

¹⁴ Amanda June Penney, "Social Work Practice with the Childfree: Understanding Relevant Ideologies and Terminology," *Journal of Social Service Research* 51, no. 3 (2025): 960–68, <https://doi.org/10.1080/01488376.2025.2476492>.

interconnected legal frameworks.¹⁵ Such an approach provides a broader understanding of legal pluralism and contributes to contemporary debates on family law reform in Muslim-majority societies.

This study addresses the question of how childfree by choice should be understood within the competing perspectives of Islamic law, Indonesian law, and human rights, and whether these legal frameworks inevitably produce normative conflict or instead offer opportunities for legal harmonization. It argues that although each legal system is founded upon distinct principles, objectives, and sources of legitimacy, they share common concerns regarding human dignity, family protection, and social welfare that may serve as the basis for an integrated legal interpretation. Accordingly, this research aims to identify the convergences and divergences among the three normative frameworks while assessing their implications for the legal status of voluntary childlessness in Indonesia. Employing normative legal research with statutory, conceptual, comparative, and case approaches, the study seeks to develop a comprehensive analytical framework capable of explaining childfree by choice beyond binary debates over permissibility or prohibition. The originality of this research lies in its integration of Islamic law, Indonesian law, and human rights into a unified legal analysis, thereby contributing to the advancement of contemporary Islamic family law scholarship and providing normative guidance for future legal development, judicial interpretation, and public policymaking concerning reproductive autonomy and family rights in Indonesia.

2. Method

This study employs a normative legal research design to examine the legal status of childfree by choice in Indonesia from the competing perspectives of Islamic law, Indonesian law, and human rights. A qualitative doctrinal approach was adopted because the research focuses on legal norms, principles, and doctrines rather than empirical observations. The study applied statutory, conceptual, comparative, and case approaches to provide a comprehensive understanding of the issue. The statutory approach examined the 1945 Constitution of the Republic of Indonesia, Law Number 1 of 1974 on Marriage as amended by Law Number 16 of 2019, the Compilation of Islamic Law (KHI), and relevant international human rights instruments. The conceptual approach explored fundamental legal concepts concerning marriage, reproductive autonomy, family rights, and the objectives of Islamic law, while the comparative approach evaluated similarities and differences among Islamic legal principles, Indonesian legal norms, and international human rights standards. In addition, the case approach analyzed selected judicial decisions and legal opinions relevant to reproductive rights and family law. Primary legal materials consisted of the Qur'an, Hadith, legislation, international legal instruments, and judicial decisions, whereas secondary legal materials included books, peer-reviewed journal articles, legal commentaries, and authoritative scholarly works. All legal materials were collected through systematic library research conducted between January and May 2026 using academic databases, official legal repositories, and institutional publications to ensure the credibility, relevance, and completeness of the legal sources.

The collected legal materials were analyzed using qualitative legal analysis through interpretation, classification, comparison, and legal reasoning. The analysis began by organizing legal sources according to their normative hierarchy and substantive relevance to childfree by choice, followed by identifying legal principles governing marriage, reproductive rights, family obligations, and human dignity. Interpretative techniques included grammatical, systematic, historical, and teleological interpretation to understand the meaning and objectives of statutory provisions and Islamic legal texts. Comparative legal analysis was subsequently employed to identify convergences, divergences, and potential harmonization between Islamic law, Indonesian law, and international human rights principles. The analytical framework emphasized coherence among legal norms while considering constitutional values, *maqāṣid al-sharī'ah*, and internationally recognized human rights standards. To ensure methodological rigor, the study applied source triangulation by comparing primary legal sources with contemporary academic literature and

¹⁵ Shelly Volsche, *Voluntarily Childfree: Identity and Kinship in the United States*, *Voluntarily Childfree: Identity and Kinship in the United States* (Bloomsbury Publishing Plc., 2019), <https://doi.org/10.5040/9781978738379>.

judicial reasoning. The validity of the findings was strengthened through doctrinal consistency, critical evaluation of conflicting legal arguments, and cross-referencing authoritative legal sources. This analytical procedure enables the study to produce a comprehensive and replicable legal assessment of childfree by choice while providing a transparent methodological foundation for future research on contemporary Islamic family law and the interaction between religious, national, and international legal frameworks.

3. Result and Discussion

3.1. Childfree by Choice under Competing Legal Frameworks

The emergence of childfree by choice generates significant doctrinal implications for Islamic family law, particularly within the framework of *maqāṣid al-sharīah*. In classical Islamic jurisprudence, marriage is not only a contractual relationship but also a moral institution aimed at achieving specific objectives, including emotional tranquility (*sakinah*), social responsibility, and the preservation of lineage (*ḥifẓ al-nasl*). Among these objectives, lineage preservation has traditionally been regarded as one of the core purposes of marriage, positioning procreation as a highly valued outcome. The childfree phenomenon, however, introduces a conceptual shift by separating marriage from its presumed reproductive function. This raises interpretative questions regarding whether voluntary childlessness contradicts or merely reconfigures the understanding of *maqāṣid*. Some jurists argue that intentionally rejecting offspring without necessity may undermine the objective of lineage continuity and weaken the long-term sustainability of the Muslim community. Conversely, contemporary *maqāṣid*-based approaches emphasize flexibility and contextual reasoning, suggesting that the objectives of marriage also include psychological well-being, mutual consent, and protection from harm. From this perspective, childfree by choice may be considered permissible when grounded in shared spousal agreement and legitimate considerations such as health, economic stability, or social conditions. Therefore, Islamic family law is challenged to reconcile normative textual expectations with evolving social realities, shifting from a purely reproduction-centered understanding of marriage toward a more holistic interpretation of marital objectives.

In Indonesian family law, the phenomenon of childfree by choice highlights structural issues related to legal certainty, normative gaps, and judicial interpretation. The Indonesian legal system, which integrates state law, Islamic legal principles, and customary values, does not explicitly regulate voluntary childlessness within marriage. The 1945 Constitution guarantees the right to form a family and to continue lineage through lawful marriage, yet it does not impose a legal obligation to reproduce. Similarly, Law No. 1 of 1974 concerning Marriage, as amended by Law No. 16 of 2019, defines marriage as a bond aimed at forming a happy and enduring family but does not stipulate reproductive requirements or sanctions for childfree couples. The Compilation of Islamic Law also focuses on marital duties, inheritance, and child welfare without addressing intentional childlessness. This creates a legal vacuum in which childfree decisions exist without clear normative regulation. As a result, legal certainty becomes difficult to achieve,¹⁶ particularly in judicial practice involving marital disputes, inheritance rights, or claims of neglect of marital obligations. Judges are required to rely on interpretive reasoning, moral considerations, and sociocultural norms, which may lead to inconsistent legal outcomes. This situation reflects the broader challenge of Indonesian family law in responding to new social phenomena that are not explicitly anticipated by existing legislation. Therefore, a more coherent legal framework is needed to address reproductive autonomy while maintaining consistency within Indonesia's pluralistic legal system. From a human rights perspective, childfree by choice directly engages the principles of reproductive autonomy,¹⁷ family rights,¹⁸ and equality. Reproductive autonomy is increasingly recognized as an

¹⁶ Ahmad Musadad et al., "Reframing Ḥifẓ Al-Nasl: Childfree Discourse among Indonesian Celebrities in the Perspective of Maqāṣid Al-Ushrah," *Mawaddah: Jurnal Hukum Keluarga Islam* 3, no. 2 (2025): 356–82, <https://doi.org/10.52496/mjhki.v3i2.35>.

¹⁷ Julia Moore, "The Fixed Childfree Subjectivity: Performing Meta-Facework about Sterilization on Reddit," *Health Communication* 36, no. 12 (2021): 1527–36, <https://doi.org/10.1080/10410236.2020.1773697>.

¹⁸ Jacqueline Ann Wootton and Tracy Morison, "Just 'Different Life Paths': Situated Resistance to Pronatalist Discourse in Older Childfree Women's Accounts," *Psychology of Women Quarterly* 50, no. 1 (2026): 76–91, <https://doi.org/10.1177/03616843251410085>.

essential component of human dignity, encompassing the right of individuals to decide freely and responsibly whether to have children, when to have them, and how many to have. International human rights instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Discrimination against Women collectively affirm that family formation must be based on free and full consent and that reproductive decisions should be free from coercion, discrimination, or arbitrary interference. Within this framework, choosing to remain childfree can be interpreted as a legitimate exercise of personal liberty. However, human rights law also recognizes that individual rights exist within a relational context, particularly regarding family as a fundamental social unit that must be protected. This creates a necessary balance between individual autonomy and collective social interests. The principle of equality further strengthens the protection of childfree individuals by prohibiting social or legal discrimination based on reproductive choices. Nevertheless, in plural legal systems such as Indonesia, the implementation of these rights must be harmonized with constitutional values and socio-religious norms that emphasize family continuity. Consequently, human rights protection of childfree choices requires contextual interpretation that respects both universal principles and local normative frameworks.

Despite apparent differences among legal systems, childfree by choice also reveals significant normative convergence between Islamic law, Indonesian family law, and international human rights frameworks. One major point of convergence is the recognition of marriage as a consensual institution based on mutual agreement, dignity, and responsibility. All three normative systems acknowledge that marriage cannot be imposed and must be grounded in voluntary consent, which forms the basis for legitimate family formation. Another shared principle is the protection of family integrity as a core social value. Although interpretations differ regarding the necessity of children within marriage, Islamic law, state law, and human rights law all emphasize the importance of maintaining stable, respectful, and functioning family relationships. Furthermore, each system recognizes the importance of preventing harm within family life, whether framed as *maṣlaḥah* in Islamic jurisprudence, public welfare in national law, or human dignity in human rights discourse. These overlapping values create opportunities for normative alignment in addressing childfree by choice. Rather than treating reproductive decisions as purely conflicting domains, these frameworks can be interpreted as complementary in safeguarding both individual welfare and social stability. This convergence demonstrates that despite different philosophical foundations, legal systems often share foundational ethical commitments that can serve as a basis for harmonization. Therefore, childfree by choice should be understood not only as a site of tension but also as a potential space for normative dialogue and integration across legal traditions.

Alongside convergence, childfree by choice also exposes deep normative divergence among Islamic law, Indonesian legal traditions, and international human rights norms. The most fundamental divergence lies in the conceptualization of marriage and the role of reproduction within it. Islamic legal theory, through the doctrine of *ḥifẓ al-nasl*, places strong emphasis on lineage preservation as a central objective of marriage, thereby attributing significant moral value to procreation. In contrast, international human rights law prioritizes individual autonomy, privacy, and equality, framing reproductive decisions as personal rights that should not be subjected to external control. Indonesian family law occupies an intermediate position but tends to reflect socio-religious assumptions that implicitly favor procreation without explicitly mandating it. Another divergence concerns the hierarchy between individual rights and collective responsibilities. Human rights discourse generally prioritizes individual choice, whereas Islamic legal thought and Indonesian socio-legal norms often emphasize collective continuity, family obligations, and social cohesion. Divergence also appears in the interpretation of harm and benefit: what is considered an exercise of autonomy under human rights law may be viewed in Islamic jurisprudence as potentially undermining the essential objectives of family institution. These differences illustrate that childfree by choice is not merely a behavioral phenomenon but a normative conflict between competing legal philosophies. As such, it requires careful interpretive balancing to avoid legal fragmentation and to ensure coherence within plural legal systems.

The phenomenon of childfree by choice has profound transformative implications for the development of contemporary family law. First, it highlights the need for legal reform that can address emerging reproductive choices not explicitly regulated within existing legal frameworks. In Indonesia, the absence of clear statutory provisions regarding voluntary childlessness creates uncertainty that calls for legislative clarification. Such reform should aim to strengthen legal certainty while respecting Indonesia's plural legal identity, which integrates constitutional law, Islamic principles, and customary values. Second, harmonization of norms becomes essential in order to manage tensions between competing legal systems. This does not require uniformity but rather a principled framework that enables coexistence through contextual interpretation,¹⁹ proportionality, and respect for fundamental rights. Third, the childfree phenomenon signals a broader paradigm shift in family law from a reproduction-centered model toward a more autonomy-sensitive framework that recognizes diverse forms of family life. This transformation reflects global legal developments in which individual choice and personal dignity are increasingly emphasized in family regulation.²⁰ Finally, the evolution of family law in response to childfree choices contributes to the broader project of national legal development by encouraging a more adaptive, responsive, and inclusive legal system. Such a system must balance respect for religious and cultural values with the protection of individual rights, ensuring that family law remains relevant in addressing contemporary social realities while maintaining justice, stability, and social cohesion.

3.2. The Emergence and Legal Construction of Childfree by Choice in Indonesia

Childfree by choice refers to the intentional and voluntary decision of individuals or couples to live without children despite having the biological capacity to reproduce. This concept is distinct from infertility or medical incapacity because it is grounded in personal preference rather than biological limitation. In contemporary Indonesian society,²¹ childfree manifests in several forms, including permanent voluntary childlessness within marriage, delayed or indefinite postponement of childbirth, and ideological rejection of parenthood based on lifestyle or philosophical considerations. The emergence of this phenomenon is closely linked to broader social transformations occurring within urban and digitally connected communities.²² Although still relatively limited in numerical proportion compared to pronatalist norms, childfree discourse has become increasingly visible in public debates, particularly through social media platforms, online forums, and discussions among younger generations. The rise of this phenomenon reflects changing perceptions of marriage, where emotional companionship and personal fulfillment are increasingly prioritized over traditional expectations of reproduction.²³ In Indonesia, where cultural and religious values strongly emphasize the importance of offspring in sustaining family lineage and social continuity, the childfree choice often generates normative tension. Nevertheless, its increasing recognition signals a shift in how individuals interpret family life in relation to autonomy, responsibility, and modern identity. As a result, childfree by choice is no longer a marginal issue but has developed into an important sociological and legal discourse that challenges established assumptions about marriage, fertility, and the purpose of family formation in contemporary Indonesian society.²⁴

¹⁹ Sinem Burcu Uğur et al., "How Mothers and Childfree Women Redefine Fulfillment: A Comparative Study of Life and Marital Satisfaction in a Pronatalist Society," *International Journal of Environmental Research and Public Health* 23, no. 3 (2026), <https://doi.org/10.3390/ijerph23030349>.

²⁰ Zachary P Neal and Jennifer Watling Neal, "Estimating the Percentage of Men Who Are Childfree Using the National Survey of Family Growth: A Comment on Bozick (2023)," *Journal of Marriage and Family* 87, no. 4 (2025): 1763–66, <https://doi.org/10.1111/jomf.13092>.

²¹ Khoiruddin Nasution et al., "The Childfree Discourse in Contemporary Islamic Family Law and Human Rights: Insights from Young Muslim Academics in Indonesia," *MILRev: Metro Islamic Law Review* 5, no. 1 (2026): 1–32, <https://doi.org/10.32332/milrev.v5i1.11080>.

²² Fathonah K Daud et al., "Phenomenon and Several Reasons for Childfree in Indonesia from the Perspective of Islamic Law," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 10, no. 2 (2025): 907–25, <https://doi.org/10.22373/petita.v10i2.903>.

²³ Rezzy Eko Caraka, Rolando Gultom, and Pinky Della A Simanjuntak, "Text and Sentiment Analysis of Childfree Trends in Indonesian Online News," *International Conference on Computer, Control, Informatics and Its Applications, IC3INA*, no. 2025 (2025): 114–19, <https://doi.org/10.1109/IC3INA68387.2025.11325268>.

²⁴ Widiyanti Intan Permata Sari, Sri Hidayati, and Arip Ramadan, "Sentiment Analysis of the Childfree Phenomenon on Social Media Platforms X and Instagram Using the Support Vector Machine Algorithm," in *ICATEI 2025 - International Conference on Advanced Technologies in Energy and Informatic* (Institute of Electrical and Electronics Engineers Inc., 2025), 277–82, <https://doi.org/10.1109/ICATEI67676.2025.11404879>.

The rise of childfree by choice in Indonesia is significantly influenced by various social and cultural transformations. Education plays a central role,²⁵ as higher levels of formal education tend to expand individual awareness of reproductive autonomy,²⁶ gender equality, and alternative family structures. Educated individuals,²⁷ particularly women, are more likely to question traditional expectations regarding motherhood as an obligatory component of marriage.²⁸ Urbanization further contributes to this phenomenon by reshaping lifestyles and reducing reliance on extended family systems. In urban settings, individuals often prioritize personal development, career progression, and nuclear family independence over communal reproductive expectations. Globalization also accelerates the diffusion of diverse cultural values, exposing Indonesian society to Western narratives that normalize voluntary childlessness as a legitimate life choice. Through digital media and cross-cultural interaction, alternative family models become more visible and socially discussable. Social media platforms intensify this process by providing spaces for expression, community building, and normalization of childfree identities, allowing individuals to share personal experiences without geographical limitations. In addition, the rise of individualism has redefined social values from collective obligation toward personal autonomy, self-realization, and psychological well-being. This cultural shift gradually alters perceptions of marriage, making it increasingly associated with emotional partnership rather than reproductive duty. However, these changes also generate tension with traditional Indonesian cultural norms that emphasize collectivism, lineage continuity, and familial responsibility. Consequently, childfree by choice emerges as a product of intersecting cultural dynamics that reflect the ongoing negotiation between tradition and modernity in Indonesian society.

Economic and demographic factors play a crucial role in shaping the decision to adopt a childfree lifestyle. One of the most frequently cited considerations is the rising cost of raising children, which includes expenses related to healthcare, education,²⁹ nutrition,³⁰ housing, and long-term financial security. In urban Indonesia, these costs are perceived as increasingly burdensome, particularly for middle-class households facing economic uncertainty and inflationary pressures. As a result, some individuals and couples choose to remain childfree to maintain financial stability and allocate resources toward personal development, investment, or lifestyle preferences. Career considerations also significantly influence reproductive decisions, especially among women who pursue higher education and professional advancement. Parenthood is often viewed as potentially disruptive to career trajectories due to time constraints, caregiving responsibilities, and workplace inequality. Therefore, delaying or avoiding childbirth becomes a strategic choice to preserve professional mobility and economic independence. In addition, broader concerns about economic instability, including job insecurity and inadequate social protection systems, contribute to hesitation regarding parenthood. From a demographic perspective, declining fertility rates in many societies, including Indonesia's urban regions, reflect changing reproductive behavior influenced by socioeconomic modernization. Although Indonesia remains a relatively high-fertility country compared to developed nations, urban fertility trends indicate gradual decline aligned with increased education and income levels. These economic and demographic shifts demonstrate that childfree by choice is not merely a cultural or ideological stance but also a rational response to structural conditions affecting family planning decisions in contemporary society.

²⁵ Wahyu Abdul Jafar et al., "The Childfree Phenomenon Based on Islamic Law and Its Respond on Muslim Society," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 2 (2023): 389–406, <https://doi.org/10.29240/jhi.v8i2.7865>.

²⁶ Ilya V Lomakin, "Childfree or Voluntarily Childless? Redefining the Conceptual Field of Studies on Non-Parenthood in Russia," *Monitoring Obshchestvennogo Mneniya: Ekonomicheskie i Sotsial'nye Peremeny* 154, no. 6 (2019): 394–436, <https://doi.org/10.14515/monitoring.2019.6.20>.

²⁷ Andrea Laurent-Simpson, "'They Make Me Not Wanna Have a Child': Effects of Companion Animals on Fertility Intentions of the Childfree," *Sociological Inquiry* 87, no. 4 (2017): 586–607, <https://doi.org/10.1111/soin.12163>.

²⁸ Victoria Clarke et al., "Lived Experiences of Childfree Lesbians in the United Kingdom: A Qualitative Exploration," *Journal of Family Issues* 39, no. 18 (2018): 4133–55, <https://doi.org/10.1177/0192513X18810931>.

²⁹ Ikhwanuddin Harahap, Erie Hariyanto, and Fatahuddin Aziz Siregar, "Understanding The Rise of Childfree Marriage: Avoiding Toxic Family, Being Happy and Well Without Children Despite Contradiction With Maqashid Al-Sharia," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025): 302–29, <https://doi.org/10.29240/jhi.v10i1.9984>.

³⁰ Amy Blackstone and Mahala Dyer Stewart, "There's More Thinking to Decide: How the Childfree Decide Not to Parent," *Family Journal* 24, no. 3 (2016): 296–303, <https://doi.org/10.1177/1066480716648676>.

Religious perspectives, particularly within Islamic thought, play a central role in shaping responses to the childfree phenomenon in Indonesia. Islamic jurisprudence conceptualizes marriage as a sacred contract aimed at achieving multiple objectives, including emotional tranquility, moral protection, and the continuation of human lineage (*hifz al-nasl*). Most classical scholars emphasize the importance of procreation as one of the wisdoms (*hikmah*) of marriage, supported by Qur'anic encouragement to increase offspring within the Muslim community.³¹ However, Islamic legal tradition does not uniformly classify childbearing as an absolute legal obligation for every married couple. Some jurists permit reproductive control methods under specific conditions, indicating a degree of flexibility in family planning decisions. Contemporary scholars are divided in their responses to childfree by choice. A number of scholars argue that intentionally rejecting parenthood without valid reasons may contradict the *maqāṣid* of preserving lineage and weakening family continuity. Others adopt a more contextual approach, asserting that Islam prioritizes mutual consent, responsibility, and well-being within marriage, and does not explicitly mandate reproduction as a legal requirement. In this view, childfree decisions may be considered permissible if based on shared agreement between spouses and grounded in legitimate considerations such as health, economic constraints, or psychological well-being.³² Thus, Islamic responses to childfree by choice are not monolithic but reflect ongoing interpretative efforts to reconcile classical legal principles with contemporary social realities. The tension between normative religious expectations and evolving individual choices continues to generate scholarly debate within modern Islamic legal discourse.

Indonesian legal responses to childfree by choice are characterized by implicit assumptions rather than explicit regulation. The 1945 Constitution guarantees the right to form a family through lawful marriage under Article 28B paragraph (1), while simultaneously recognizing the state's obligation to protect children's rights under paragraph (2). However, these provisions do not explicitly require married couples to have children, nor do they regulate voluntary childlessness. The Marriage Law Number 1 of 1974 as amended by Law Number 16 of 2019 defines marriage as a bond intended to create a happy and lasting family based on belief in God Almighty, implicitly assuming the presence of children as part of family continuity but without establishing legal sanctions for childfree couples. Similarly, the Compilation of Islamic Law regulates marital rights and obligations within Muslim families, focusing on maintenance, harmony, and child upbringing, yet it remains silent on the legal status of couples who choose not to reproduce. This legal silence creates a normative gap in Indonesian family law concerning reproductive autonomy. As a result, childfree by choice is neither prohibited nor explicitly recognized, placing it in a grey area of legal interpretation. Courts and legal practitioners must therefore rely on broader constitutional principles, religious values, and societal norms when addressing related issues. This situation reflects the broader challenge of adapting traditional family law frameworks to contemporary social realities without clear legislative guidance on emerging reproductive choices and family structures in Indonesia.

Human rights frameworks provide strong normative support for reproductive autonomy as part of fundamental human dignity and personal liberty.³³ The Universal Declaration of Human Rights affirms the right to marry and establish a family based on free and full consent, emphasizing that family formation must respect individual choice. The International Covenant on Civil and Political Rights further protects privacy rights under Article 17, which has been interpreted to include freedom from arbitrary interference in personal and family life, including reproductive decision-making. The Convention on the Elimination of All Forms of Discrimination against Women strengthens these protections by explicitly recognizing women's rights to decide freely and responsibly on the number and spacing of their children, while

³¹ Fakhrrurazi M Yunus et al., "Childfree and Its Relevance to 'Azl from the Perspective of Taqiyyuddin An-Nabhani," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 8, no. 2 (2023): 219–34, <https://doi.org/10.22373/petita.v8i2.235>.

³² Elizabeth A Hintz, "Childfree Sterilization A Normative Rhetorical Theory Analysis of Paradoxical Dilemmas Encountered by Childfree Patients and Providers," *Rhetoric of Health and Medicine* 5, no. 3 (2022): 280–307, <https://doi.org/10.5744/rhm.2022.50014>.

³³ Brittany Stahnke, Amy Blackstone, and Heather Howard, "Lived Experiences and Life Satisfaction of ChildFree Women in Late Life," *Family Journal* 28, no. 2 (2020): 159–67, <https://doi.org/10.1177/1066480720911611>.

requiring states to ensure access to necessary information and healthcare services. Collectively, these instruments establish reproductive choice as a protected human right grounded in autonomy, equality, and dignity. However, human rights law also recognizes that such rights are not absolute and may be balanced against legitimate societal interests, provided that limitations are proportionate and non-discriminatory. In the Indonesian context,³⁴ this balancing process becomes complex due to the coexistence of constitutional rights,³⁵ religious norms, and cultural expectations that emphasize family continuity and collective responsibility. Therefore, while international human rights law supports the legitimacy of childfree by choice as an expression of personal autonomy, its application within Indonesia must consider contextual legal pluralism.³⁶ The childfree phenomenon thus illustrates the ongoing negotiation between universal human rights principles and locally embedded normative systems governing marriage and reproduction.

3.3. Reconstructing Childfree by Choice through Islamic Law, Indonesian Law, and Human Rights

The analysis of childfree by choice in contemporary Indonesian society demonstrates that the phenomenon is no longer merely a personal lifestyle preference but has developed into a multidimensional issue involving legal,³⁷ religious,³⁸ and human rights dimensions. The findings indicate that childfree emerges as a voluntary reproductive decision influenced by changing social structures, economic considerations, and evolving interpretations of marriage. In Islamic legal discourse, childfree is situated within debates on *maqāṣid al-sharī'ah*, particularly the preservation of lineage (*ḥifz al-nasl*), which traditionally emphasizes procreation as a core objective of marriage, while contemporary interpretations allow contextual flexibility based on *maṣlaḥah* and mutual consent. In Indonesian family law, the phenomenon reveals a normative vacuum, as neither the 1945 Constitution, the Marriage Law, nor the Compilation of Islamic Law explicitly regulates voluntary childlessness,³⁹ resulting in legal uncertainty and reliance on judicial interpretation.⁴⁰ From a human rights perspective,⁴¹ childfree by choice is framed as an expression of reproductive autonomy protected under international instruments such as ICCPR, CEDAW,⁴² and UDHR,⁴³ which emphasize privacy, equality, and freedom in family formation. The overall findings show that childfree is not a deviant anomaly but an emerging social reality shaped by structural transformation and normative pluralism. Consequently, the issue must be understood as an intersection of competing yet overlapping legal orders that collectively redefine the meaning of family, reproduction, and marital obligation in contemporary Indonesia.

³⁴ Tracy Morison et al., "Stigma Resistance in Online Childfree Communities: The Limitations of Choice Rhetoric," *Psychology of Women Quarterly* 40, no. 2 (2016): 184–98, <https://doi.org/10.1177/0361684315603657>.

³⁵ Anthony Luis B Chua, Jennifer Watling Neal, and Zachary P Neal, "Trends in the Prevalence of Childfree Women in the Philippines, 1993–2022," *Journal of Family Issues* 46, no. 6 (2025): 966–80, <https://doi.org/10.1177/0192513X251322148>.

³⁶ Jennifer Watling Neal and Zachary P Neal, "Stereotypes About Childfree Adults (SACHA): Development and Validation of a Brief Scale," *European Journal of Psychological Assessment* 41, no. 6 (2025): 457–65, <https://doi.org/10.1027/1015-5759/a000827>.

³⁷ Hedhri Nadhiran et al., "Childfree in The Perspective of Hadiths Ahkam: Thematic Study of Hadith on 'Azal with a Maqāṣid Al-Sharī'ah Approach," *Samarah* 10, no. 1 (2026): 267–95, <https://doi.org/10.22373/sjhk.v10.i1.33611>.

³⁸ Esra Bozkanat, "I Want People to Know They Have a Choice': Social Representation of Childfree Choice on Instagram," *Women's Studies in Communication* 49, no. 2 (2026): 366–87, <https://doi.org/10.1080/07491409.2026.2638342>.

³⁹ Harmona Daulay et al., "Psychology of Newly Married Couples in Indonesia: Is It Possible to Choose Childfree by Choice or Face the Gossip of Society and Family?," *International Journal of Innovative Research and Scientific Studies* 6, no. 4 (2023): 1023–31, <https://doi.org/10.53894/ijirss.v6i4.2260>.

⁴⁰ Shelly Volsche, "Negotiated Bonds: The Practice of Childfree Pet Parenting," *Anthrozoos* 31, no. 3 (2018): 367–77, <https://doi.org/10.1080/08927936.2018.1455470>.

⁴¹ Michaela Ozoganyova and Miroslava Šudila Žilinská, "Stigmatization of Childfree Choice in Response to Climate Change," *Human Ecology* 54, no. 2 (2026), <https://doi.org/10.1007/s10745-026-00678-1>.

⁴² Malin Ekelund and Karl Ask, "Stigmatization of Voluntarily Childfree Women and Men in the UK: The Roles of Expected Regret and Moral Judgment," *Social Psychology* 52, no. 5 (2021): 275–86, <https://doi.org/10.1027/1864-9335/a000455>.

⁴³ Cagla Fidanci, Nursen Adak, and Kamile Kabukcuoglu, "Is the Child Really the Missing Piece? Making Meaning of Family in Turkish Childfree Couples Through Relational Dialectics Theory," *Journal of Family Communication* 24, no. 3–4 (2024): 244–58, <https://doi.org/10.1080/15267431.2024.2394022>.

The emergence of childfree by choice can be understood as a reflection of deep structural transformations occurring at the global and national levels.⁴⁴ Globalization plays a central role by exposing Indonesian society to diverse cultural models of family life, where voluntary childlessness is increasingly normalized as part of individual lifestyle autonomy.⁴⁵ This global circulation of ideas is reinforced by digital media, which facilitates transnational discourse on reproductive freedom and alternative conceptions of marriage.⁴⁶ Education further contributes to this shift by expanding critical awareness,⁴⁷ particularly among women,⁴⁸ regarding bodily autonomy, gender equality, and career development, thereby challenging traditional expectations of motherhood as a compulsory element of marriage. Economic pressures also significantly influence reproductive choices, as the high cost of raising children,⁴⁹ job insecurity,⁵⁰ and unstable housing conditions make parenthood a long-term financial burden. These factors intersect with broader changes in family structures,⁵¹ where nuclear families and dual-career households increasingly replace extended kinship-based systems. From a normative perspective,⁵² human rights discourse strengthens individual justification for reproductive choice by framing it as part of privacy and dignity.⁵³ At the same time, developments in Islamic legal thought, particularly through contemporary *ijtihad*, demonstrate increasing interpretative flexibility that seeks to reconcile classical doctrines with modern realities. Therefore, childfree by choice emerges not as an isolated phenomenon but as a product of interconnected global, economic, educational, cultural, and normative transformations reshaping the meaning of family in modern society.

The findings of this study carry significant implications for the development of law, particularly in the fields of family law, Islamic jurisprudence, and human rights protection. In terms of family law, childfree by choice challenges the traditional assumption that marriage inherently implies procreation, thereby requiring legal systems to reconsider the scope of marital obligations. The absence of explicit regulation in Indonesian positive law creates legal uncertainty, highlighting the need for clearer normative guidance regarding reproductive decisions within marriage. Within the framework of *maqāṣid al-sharī'ah*, the phenomenon invites reinterpretation of *ḥifz al-nasl* in a way that balances lineage preservation with other objectives such as psychological well-being, mutual consent, and social welfare (*maṣlaḥah*). This indicates that Islamic legal theory possesses interpretive flexibility capable of engaging with contemporary social realities. From a human rights perspective, the findings reinforce the principle of reproductive autonomy as an essential component of personal dignity, privacy, and equality. However, this autonomy must be understood within a relational framework that acknowledges the family as a protected social institution. In terms of legal certainty, the lack of explicit regulation produces interpretive variability in judicial practice, potentially leading to inconsistent legal outcomes. Therefore, the study demonstrates that childfree by choice is not merely a sociological trend but a legal issue that requires

⁴⁴ Sara Glass and R. Chris Fraley, "Attachment Orientations Predict the Likelihood of Choosing to Be Childfree and the Reasons for Not Wanting Children," *Personality and Social Psychology Bulletin*, March 28, 2025, <https://doi.org/10.1177/01461672251322842>.

⁴⁵ Erfaniah Zuhriah et al., "Childfree, the Digital Era, and Islamic Law: Views of Nahdlatul Ulama, Muhammadiyah, and Gender Activists in Malang, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (September 22, 2023): 1606, <https://doi.org/10.22373/sjhk.v7i3.17753>.

⁴⁶ Dorota Szelewa, "When Family Policy Doesn't Work: Motives and Welfare Attitudes Among Childfree Persons in Poland," *Social Inclusion* 10, no. 3 (2022): 194–205, <https://doi.org/10.17645/si.v10i3.5504>.

⁴⁷ Tongtong Hou and Lu Tang, "'We Are the Last Generation': Exploring Gender, Power, and Resistance in China's Digital Childfree Movement," *Journal of Broadcasting and Electronic Media* 70, no. 1 (2026): 55–70, <https://doi.org/10.1080/08838151.2025.2596372>.

⁴⁸ Tanya Koropecj-Cox et al., "University Students' Perceptions of Parents and Childless or Childfree Couples," *Journal of Family Issues* 39, no. 1 (2018): 155–79, <https://doi.org/10.1177/0192513X15618993>.

⁴⁹ Stuart Gietel-Basten and Andrea Sze Wing Yeung, "Self-Definition and Evaluation of the Term 'Childfree' Among Hong Kong Women," *SAGE Open* 13, no. 4 (2023), <https://doi.org/10.1177/21582440231198994>.

⁵⁰ Yunuen Ysela Mandujano-Salazar, "Exploring the Construction of Adulthood and Gender Identity Among Single Childfree People in Mexico and Japan," *Sage Open* 9, no. 2 (April 10, 2019), <https://doi.org/10.1177/2158244019855844>.

⁵¹ Diane W. Darling et al., "Blending and Spending: Financial Influences Impacting Childfree Stepmothers' Relationship Satisfaction," *Journal of Financial Therapy* 15, no. 1 (January 1, 2024), <https://doi.org/10.4148/1944-9771.1402>.

⁵² Elizabeth A. Hintz and Clinton L. Brown, "Childfree and 'Bingeod': A Relational Dialectics Theory Analysis of Meaning Creation in Online Narratives About Voluntary Childlessness," *Communication Monographs* 87, no. 2 (April 2, 2020): 244–66, <https://doi.org/10.1080/03637751.2019.1697891>.

⁵³ Merve Erkaya and Anil Ozge Ustunel, "A Qualitative Study on the Marital Experiences of Childfree Couples in Turkey," *International Journal of Systemic Therapy* 35, no. 1 (January 2, 2024): 80–107, <https://doi.org/10.1080/2692398X.2023.2240680>.

harmonization between normative systems to ensure coherent, just, and context-sensitive regulation of reproductive and family life.

Comparative perspectives reveal that the childfree phenomenon is not unique to Indonesia but also appears in several other jurisdictions, albeit with different legal and cultural responses. In countries such as Japan, South Korea, and Taiwan, childfree trends are strongly associated with demographic decline, economic pressure, and shifting gender roles,⁵⁴ leading to state concerns about population aging and labor shortages. These societies tend to respond through policy incentives encouraging childbirth rather than legal restrictions on reproductive autonomy.⁵⁵ In Malaysia, discussions on childfree remain closely tied to Islamic legal discourse, where similar debates arise regarding *maqāṣid al-sharīah* and the role of lineage preservation within marriage.⁵⁶ In Turkey, a secular legal framework allows greater individual autonomy in reproductive decisions, though cultural expectations continue to influence social attitudes toward parenthood.⁵⁷ In Western jurisdictions, childfree by choice is largely recognized as an expression of personal liberty protected under constitutional and human rights law, with minimal legal interference in reproductive decisions.⁵⁸ Compared to these contexts,⁵⁹ Indonesia presents a unique normative configuration in which Islamic law,⁶⁰ national legislation,⁶¹ and international human rights norms coexist simultaneously.⁶² The novelty of this study lies in its integrative approach, which does not examine childfree solely from one perspective—such as Islamic law, human rights,⁶³ or national legal doctrine—but synthesizes all three frameworks into a unified analytical structure.⁶⁴ This integrative approach highlights Indonesia as a plural legal system where competing normative orders interact dynamically, producing both tension and potential harmonization in addressing emerging family and reproductive issues.

Based on the findings, several recommendations are proposed at conceptual, methodological, and policy levels. Conceptually, there is a need to develop an integrative paradigm of family law that moves beyond monolithic interpretations of marriage as solely reproductive, toward a framework that accommodates both traditional values and individual autonomy. Such a paradigm should synthesize *maqāṣid al-sharīah*, constitutional principles, and international human rights norms within a coherent analytical structure. Methodologically, future research should adopt a combined approach, including comparative doctrinal analysis, socio-legal studies, and mixed doctrinal frameworks, to better capture the complexity of childfree as both a normative and empirical phenomenon. This approach allows legal scholarship to engage not only with texts but also with lived social realities and evolving cultural practices. At the policy level, reform is needed to address existing legal ambiguity within Indonesian family law. This includes revising the Compilation of Islamic Law (*KHI*) to explicitly consider reproductive autonomy within

⁵⁴ Paweł Ciesielski, "Counterstereotypical Materials as a Method of Reducing Prejudice Toward Childfree People," *Roczniki Psychologiczne* 27, no. 3 (February 18, 2025): 255–70, <https://doi.org/10.18290/rpsych2024.0014>.

⁵⁵ Meera Suresh Babu, "Are You a Real Woman?: Stigma and the Childfree Indian Woman," *Indian Journal of Gender Studies* 31, no. 3 (October 31, 2024): 287–307, <https://doi.org/10.1177/09715215241262134>.

⁵⁶ Nadya Anjani Rismarini and Nesya Adira, "Between Personal and Social Matters: Identifying Public Perceptions of Childfree Decisions in Indonesia," *Culture, Health & Sexuality* 27, no. 6 (June 3, 2025): 719–32, <https://doi.org/10.1080/13691058.2024.2398619>.

⁵⁷ Catherine Verniers, "Behind the Maternal Wall: The Hidden Backlash Toward Childfree Working Women," *Journal of Theoretical Social Psychology* 4, no. 3 (July 8, 2020): 107–24, <https://doi.org/10.1002/jts5.65>.

⁵⁸ Zakiya Darajat et al., "Exploring Childfree Choices in Society's Pressure to Have a Baby (2023): Contesting Societal Expectations of Womanhood and Motherhood," *Asian Women* 41, no. 2 (2025): 111, <https://doi.org/10.14431/aw.2025.6.41.2.111>.

⁵⁹ Nicole Attridge and Elmien Lesch, "Inconceivable: South African Lesbians Talking about Being Voluntary Childfree," *Sex Roles* 83, no. 9–10 (November 29, 2020): 636–55, <https://doi.org/10.1007/s11199-020-01132-2>.

⁶⁰ Filipa Salgado and Sara Isabel Magalhães, "I Am My Own Future: Representations and Experiences of Childfree Women," *Women's Studies International Forum* 102 (January 2024): 102849, <https://doi.org/10.1016/j.wsif.2023.102849>.

⁶¹ Galina Boiarintseva, Souha R. Ezzedeen, and Christa Wilkin, "Definitions of Work-Life Balance in Childfree Dual-Career Couples: An Inductive Typology," *Equality, Diversity and Inclusion: An International Journal* 41, no. 4 (April 26, 2022): 525–48, <https://doi.org/10.1108/EDI-12-2020-0368>.

⁶² Nida Denson, Diana Ferreira, and Thomas F. Denson, "Evidence of a Negative Bias Toward People Who Are Childfree by Choice," *The Journal of Social Psychology*, October 16, 2025, 1–21, <https://doi.org/10.1080/00224545.2025.2573719>.

⁶³ Chandni Bhambhani and Anand Inbanathan, "Examining a Non-Conformist Choice: The Decision-Making Process Toward Being Childfree Couples," *International Journal of Sociology* 50, no. 5 (September 2, 2020): 339–68, <https://doi.org/10.1080/00207659.2020.1797265>.

⁶⁴ Erik Nakkerud, "Choosing to Live Environmentally Childfree: Private-Sphere Environmentalism, Environmental Activism, or Both?," *Current Psychology* 43, no. 3 (January 22, 2024): 2887–98, <https://doi.org/10.1007/s12144-023-04295-9>.

marriage,⁶⁵ developing judicial guidelines from the Supreme Court (*Mahkamah Agung*) to ensure consistency in adjudicating family-related disputes, and promoting harmonization between the Marriage Law and constitutional principles. Furthermore, legal policy should recognize and protect reproductive rights while maintaining respect for religious and cultural values. Such reforms would strengthen legal certainty, reduce interpretive inconsistency, and ensure that family law remains responsive to contemporary social transformations. Ultimately, these recommendations aim to build a more adaptive, inclusive, and coherent legal system capable of addressing emerging challenges in family and reproductive life.

4. Conclusion

This study demonstrates that the legal status of childfree by choice in Indonesia cannot be determined through a single normative framework because Islamic law, Indonesian law, and human rights adopt different yet interconnected approaches. Islamic law generally recognizes procreation as one of the principal objectives of marriage while allowing contextual legal reasoning in exceptional circumstances where legitimate considerations exist. Indonesian law neither expressly prohibits nor explicitly recognizes childfree by choice, thereby leaving its legal implications subject to interpretation within constitutional principles, marriage legislation, and the Compilation of Islamic Law. Meanwhile, international human rights standards emphasize reproductive autonomy and the freedom of individuals or married couples to make informed reproductive decisions, provided that such choices do not violate the rights of others or applicable legal obligations. These findings indicate that the legal discourse surrounding childfree by choice should move beyond a binary assessment of permissibility or prohibition and instead adopt an integrated legal approach that balances religious values, national legal norms, constitutional principles, and internationally recognized human rights.

This study contributes conceptually by developing a comparative analytical framework that integrates Islamic law, Indonesian law, and human rights into a coherent legal assessment of childfree by choice. Methodologically, it demonstrates the value of combining statutory, conceptual, comparative, and case approaches in normative legal research to examine emerging family law issues from multiple legal perspectives. Theoretically, the study enriches contemporary Islamic family law scholarship by illustrating that the interaction between religious doctrine, national legislation, and human rights norms should be understood as a process of legal dialogue rather than normative conflict. The findings provide a foundation for future legal interpretation, judicial reasoning, and policy formulation concerning reproductive autonomy and family rights in Indonesia while encouraging further comparative studies involving other Muslim-majority jurisdictions and broader socio-legal perspectives on voluntary childlessness.

Declarations

Author Contribution Statement

Ilham Masri contributed to the conceptualization of the study, data collection, formal analysis, and drafting of the original manuscript, while also assisting in the interpretation of findings and preparation of references. Ismail and M. Zainal Muttaqin contributed to the development of the research methodology, supervision of the research process, validation of data analysis, critical review and editing of the manuscript, as well as providing academic guidance throughout the writing process. Both authors jointly participated in refining the final manuscript, read, and approved the published version.

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⁶⁵ Amara Miller et al., "In- Conceivable Futures : Climate Change and Reproductive Decision Making Among Childfree North Americans," *Social Currents* 12, no. 3 (June 26, 2025): 231–50, <https://doi.org/10.1177/23294965241300718>.

Data Availability Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request. No publicly archived datasets were used or generated during the current research.

Declaration of Interests Statement

The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this paper.

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