

## ABSTRACT

Muhammad Rusdi, 2023. *"The Childfree Concept in the Perspective of Islamic Law and Human Rights"*, Thesis of a Student of the Postgraduate Family Law Study Program at UIN Antasari Banjarmasin. Advisor I: Dr. H. Jalaluddin, M. Hum. and Supervisor II: Dr. H. Anwar Hafidzi, Lc, MA.HK.

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This research is motivated by the uproar on Indonesian social media towards a married couple named Gitra Savitri and Paul Andre who agreed to decide to be childfree, namely marriage without having children. In Islam, the main goal of marriage is to have children, in accordance with human nature and to make the Prophet proud of his many followers. Meanwhile, the laws and regulations on human rights give a person the freedom to express attitudes and thoughts according to his conscience. From the standpoint of Islamic law, there are those who say it is makruh and is permissible on emergency grounds, while others say it is permissible on grounds that having children is only a suggestion, not an obligation. Meanwhile, from the perspective of human rights, not having children can be linked to reproductive rights. Departing from these problems, researchers are interested in conducting a study entitled "The Concept of Childfree in the Perspective of Islamic Law and Human Rights", with purpose to explain and analyze the concept of childlessness and the reasons for couples choosing to be childless according to Islamic law and human rights.

This type of research is normative legal research or literature research, which involves searching books and books related to childfree issues from the perspective of Islamic law and human rights. In this study, two approaches were used, namely the conceptual approach and the analytical approach.

This research resulted in the finding that childfree in the perspective of Islamic law is khilâf al-awlâ and can turn into something obligatory, permissible, or unlawful depending on reasons behind it. Whereas childfree in the perspective of human rights is a life choice as a manifestation of freedom of expression and the right to determine reproductive life. Childfreedom in Islamic law and human rights are not mutually exclusive because both of them provide the freedom to have children or not. It's just that in Islam, having children is recommended and has priority.