

Family Planning Program and its Impacts to Women's Health According to the Perspective of Islamic Law

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ABSTRACT

Family Planning (KB), or *tandzim al-nasl*, or *tahdid al-nasl*, is a program that tries to regulate and control the number of births, in order to achieve family welfare and happiness, by accepting and practicing the idea of potential and happy small families. However, lately, the problem is that there are many women who suffered some diseases caused by birth control medication and programs. Therefore, this research question is how family planning is viewed from the perspective of Islamic law. The purpose and benefit of this research is to know scientifically and contribute to the legal knowledge and the community, especially about family planning. This research is a combination of normative and empirical legal research (applied law research). Normative-empirical legal research is legal research that is the object of the study of normative legal rules (in abstracto) and their application to legal events (in concreto). Pros and cons among scholars in addressing family planning is very reasonable, because KB itself has several benefits and harms at the same time. Family Planning Law revolves around the law contained in it. If family planning is defined as *tandzim al-nasl*, then it can be in line with the purpose of the KB, which is to achieve a happy and prosperous family by preparing a more established cadre, namely a generation that is small but of quality and quality, but if the understanding of family planning is interpreted as *tahdid al-nasl* then this is contrary to the aims of the shari'ah which is not permissible in Islam. One of the lightest effectiveness is *al-'azl*: this is what the Prophet taught.

Keywords: *Family planning, Islamic law, women's health*

1. INTRODUCTION

It is natural that two different sexes, a woman and a man have an attraction for each other to live together. In Natural Sciences, it is said that everything consists mostly of two partners. Islam is a fitrah religi. God provides a legal thing to implement it in line with human nature.[1], [2]

Marriage is the goal of every person. so that, followers of the prophet Muhammad can avoid acts that are prohibited by the Shari'ah. To discourage a happy family, maturity in the physical-biological, social and economic fields, emotions and responsibilities, thoughts and values of life as well as beliefs or religion, will cause families formed in circumstances that have a good and promising contribution to achieve happiness and welfare in his family.[3], [4]

Therefore family life must be planned as well as possible. therefore, the government initiated the Family Planning program with several offers by using contraception.[5, p. 1]

The problem is, in recent times, there have been many cases of women affected by the disease beginning with the Family Planning Program. what needs to be analyzed is whether the disease is caused by the program that is not in accordance with syariah law ', or the program that is abused by the culprit.

There have been many previous studies that discuss Family Planning, including S. Rohim's Family Planning Arguments in Islam, A. Husnan's Analysis of Islamic Law on the Development of Sakinah Mawaddah Wa Rahmah's Family through Family Planning,[6] U. Rahmawati's Study of the Concept of Family Planning in the Legal System in Indonesia and Islamic law.[7] These studies focused on the use of family planning programs that are medically correct and how according to Islamic law.

The formulation of the problem in this research is that how can the family planning program be carried out medically and how does the sharia law view the family planning program?

The purpose of this study is to prove scientifically about how the view of Islamic law on the Family Planning program. However, the benefits of this research are being able to contribute scientifically to the public about the benefits and the risk of using the family planning program.

2. RESEARCH METHOD

This research is a combination of normative and empirical legal research (applied law research). Normative-empirical legal research is a legal research that is aimed to study the normative legal rules (in abstracto) and their application to legal events (in concreto). The researchers tried to examine how to run a family planning program that is correct with a

medical approach and see the positive and negative impacts whether family planning is contradicting to the syariah law or actually containing benefits.

3. DISCUSSION

3.1. The Definition of Family Planning

Mahmud Syaltut defines family planning as birth control or trying to prevent pregnancy, temporarily or forever in accordance with certain situations and conditions, both for the family concerned or for the benefit of the community and the Nation.[8, pp. 294–9] They are:

1) *Planning Parenthood:*

This method emphasizes the responsibility of both parents to form a safe, peaceful, prosperous and happy home life by not limiting the number of family members. This term is more closely to the Arabic term (تَنْظِيمُ النِّسْلِ) governs descent. (تَحْدِيدُ النِّسْلِ) limits offspring.

2) *Birth Control:*

The application of birth control emphasizes the number of children or spacing birth according to the situation and condition of husband and wife. This means (limiting heredity). But in practice, in Western countries, this method also allows abortion (menstruation) and (menstrual regulation), infertility and celibacy (التَّبَتُّلُ).[9, p. 71]

Family planning is an effort that regulates the large number of births in such a way for the mother and baby, and for the father and his family or the community which will not cause harm.

Therefore, officially, in Indonesia, family planning means the efforts to achieve family welfare and happiness by accepting and practicing the ideas of potential and happy small families.[9]

In everyday life, family planning revolves around preventing conception or preventing conception, or preventing meeting between male sperm cells and female eggs. Meanwhile, the practice of thinning or prevention or limitation and regulation of heredity uses a method, drug or device called contraception.

The Family Planning Program aims to create prosperity and happiness for each family member; mothers, fathers, and children, even family members.[10, pp. 122–5]

3.2. The Aims of Family Planning

3.2.1 Demographics

Efforts to reduce the rate of population growth. The smaller the number of residents in a country, the easier the population regulation in that country. And the easier it is to reach a prosperous and happy family, especially the health problems of mothers and children.

3.2.2 Normative

Creating a norm in the midst of society so that a tendency arises to have a small family with the motto "two children are better, three people stop, men and women alike". So it is institutionalized and feels proud of the relatively small number of families, namely citizen chess or five residents. Based on population theory according to Thomas Robert Malthus. Family planning in this first sense is termed tahdid al-nasl (birth control).[11, p. 32]

3.3. Various Types of Family Planning

All family planning tools certainly have limitations, which we know as the "failure of family planning" (still pregnant even though they have a good family planning). Failure of birth control varies between under 1% (in male / female sterilization and birth control pills) to around 20-30% (in the periodic / calendar system, condoms, diaphragm, vaginal jelly, or interruptus coitus / interrupted copulation / Azl). The point is that humans realize that their maximum efforts can only be around 97-98% because perfection does not belong to humans.

3.3.1 Pills

Pills are tablets containing progestin and progesterone ingredients that work in a woman's body to prevent ovulation and make changes to the endometrium. Or in the form of a hormone composition containing fiber progesterone hormone levels equivalent to two hormones in the ovary nest. This type of tablet is consumed on the fifth day, starting from the first day of menstruation, up to 20 days later in a row in each month.

These objects contain hormones in low levels that can cause contraceptive effects without causing significant contra indications, except for women who are suffering from one disease such as breast cancer, jaundice or have suffered from liver in the last three years, diseases of the blood vessels, hypertension, varices of diabetes or asthma. The person who first used this chapter was Gregory Banks in 1956. Women who take this type of tablet will find some symptoms or side effects on him, such as vomiting, dizziness (vertigo), and nausea

Its effectiveness is very high, around 95%. The pill should not be used by women who are not yet 18 years old whose menstruation is not regular, and women who are 35 years old or who are breastfeeding children, because it can interfere with the formation of breast milk.

The positive impact of using a tablet are:

- Prevents the creation of ovaries in the egg (ovary).
- Strengthen pregnancy in the condition of bleeding in the uterus when pregnant, and when there are changes in the menstrual cycle.[12]

Dangers of using contraceptive pills:

- Can cause interference with the members of the stomach, vomiting, dizziness, and the stomach feels heavy.
- Weight gain: usually over six months after women use it. Gangguan pada hati (liver).
- *Pain and tightness in the breast:* Usually this is felt when a woman consumes tablets.
- *Disorders of the menstrual cycle:* this is the most common symptom in women up to 75%. This can be seen in the form of bleeding during menstrual periods, or also the cessation of menstruation altogether.
- The appearance of spots, changes in black on the face, especially the cheeks and nose.
- *Exit and dripping milk from both nipples:* bursts of mucous liquid or white vaginal fluid is sticky. Psychologically, the pills will decrease sexual desire. He will also avoid something that stimulates his sexual nerves.[12]

3.3.2. Injections

Which inject fluid into a woman's body known as Caoro Devo Provera, Net Den and Noristerat. Its effectiveness reaches 99%. The way it works is to prevent ovulation, leaving the endometrium so that the vidation is not possible and concentrating the cervical mucus thus inhibiting the passage of spirma through the cervical canal. Contra-Indications, it is not injected into women who are pregnant, suffering from malignant tumors, heart disease, lungs, liver, hypertension and diabetes. Side effects are the possibility of disruption of menstruation, dizziness, nausea, spotty, hair loss, weight gain and allergies.

Injections are divided into two types:

1. One-month combination injection is an injection which is given monthly by injecting intramuscular method as an effort to prevent pregnancy in the form of the hormone progesterone and estrogen in women of childbearing age. The use of injection contraception affects the hypothalamus and the pituitary which is a level of FSH and LH so that developing and maturation of the de graaf follicle does not occur.
2. Three months injection is a contraceptive method given intramuscularly every three months. Injecting family planning is an effective contraceptive, which is a method that has a relatively higher effectiveness or

survival rate and a relatively lower failure rate when compared to simple contraceptives.[5]

3.3.3. Implant

Which is a separate morgestrel leave of six capsules that are inserted under the skin of the inner arm about 6 to 10 cm from the elbow. The way it works is contra-indicated and the side effects are the same as the injection, but its durability reaches 5 years.

3.3.4. Contraception in the uterus IUD

Which consists of a lippessloap (spiral), multi-load and Co Coper-T, made of fine plastic wrapped with thin copper. The way it works is to weaken the power of the spirit to fertilize the female egg cell due to the narrowing of the root of the spiral strain and the influence of copper which is wrapped around the olastik. Its effectiveness reaches 98% and is durable, economical and reversible. The effects may be slight heartburn and pain, vaginal discharge, late menstruation, infections due to asepsis and antiseptis, and subjective complaints of the husband due to the touch of the thread.[11]

one of the side effects of this sepiral is that it can cause heartburn at the bottom, especially for women who have never been pregnant. This will occur spontaneously after use, which is similar to heartburn when you're menstruating, sometimes there are also convulsions in the vagina after installing it.[12]

The dangers that will arise are:

- Bleeding, intermittent, or persistent, but it will not be prolonged, it will stop after two menstrual periods more or less.
- Pain: *sometimes it is painful as if there was shrinkage in the uterus similar to screaming when menstruating.*
- Inflammation: *it occurs after a spiral that may activate germs or bacteria that are in the uterus for a long time.*
- Specific sensitivity to copper or brass IUDs.
- Pregnancy outside the uterus (ectopic)

It is better for women who have given birth many times and women who approach menopause should be encouraged to use this tool.[12]

3.3.5. Sterilization is an action or method that causes a woman to not get pregnant again

The purpose of sterilization is based on several factors. They are :

- *Medical indications:* carried out by a woman who has a disease that is considered dangerous for her. For example heart disease, kidney and hypertension.
- *Socio-economic:* which is usually done because husband and wife cannot fulfill their obligations if they bear children, because they are too poor.
- *The request itself or the request is concerned, although it is classified as capable of its economy.* Because maybe her husband or wife wants to direct their activities outside the household, she doesn't want to have children.[9]

There are several ways in the sterilization process:

- *Radiation:* including ovarian function which cause the body unable to produce hormones, which make women no longer productive and become menopausal.
- *operative, which consists of several techniques:*
 1. Ovariectomy, which is lifting or tilting both ovaries, which has the same effect as radiation.
 2. Tubectomy, which removes the entire tube, so that women can no longer get pregnant, because the channel has leaked.
 3. Tubal ligation, which binds the tube, so it can no longer be passed by the ovum.
- *Blocking the fallopian tubes, it uses chemicals to clog the fallopian tubes, by injection technique.* Regarding the usual method in the process of male sterilization, it is a vasectomy, with the technique of dissecting and opening a vase, then being bound and clamped. Therefore, it is not passed by sperm again.[9]

3.3.6. Condoms

A sheath or rubber sheath made of various materials including rubber (latex) plastic (vinyl) or natural material that is attached to the penis to accommodate sperm when a man reaches ejaculation during intercourse. Condoms are made of thin synthetic rubber, cylindrical in shape with a thick-edged, flat-rolled mouth. Standard condoms can be seen from the thickness of 0.02 mm. Male condoms are better known even though female condoms already exist but are not as popular as the male condoms.[12]

3.3.7. The calendar or abstinence method is the oldest method of natural family planning.

The originator of the natural family planning calendar system is Dr. Knaus (obstetrician from Vienna) and Dr. Ogino (gynecologist from Japan). This calendar method is based on a woman's menstrual cycle or menstruation. Knaus believes that ovulation occurs exactly 14 days before the next menstruation. Whereas Ogino argues that ovulation does not always occur exactly 14 days before menstruation, but can occur between 12 or 16 days before the next menstruation. The results of the two experts' research form the basis of the natural family planning calendar system.[5]

3.3.8. Etymologically

Azal is al-Tanhiyyah (exclusion or distance). In example, the phrase 'azaltu al-syai'a' ghairihi 'azlan (I got rid of something from the others). From the origin of the word dharaba-yadhribu ('azaala-ya'zilu). Wa 'azaltuhu, fa'tazala, wa' azala wa ta'azzala, it means nahhaituhu jaaniban fa Tanahha (I put it aside to the edge until it was knocked out).).

Imam Nawawi said, *al-azl* is having sexual relations and when a man is about to issue sperm, he is drunk on his genitals, then expels it outside (vagina).[12]

In medical science, al-'azl is called (coitus interruptus), this phenomenon is called a disconnected relationship, releasing male penis outside the vagina before sperm discharge. This is the most classic way recognized by humanity to prevent pregnancy.

Some indications of danger and negative al'azl, namely:

- Can weaken thinking (memory).
- Tumbling joints.
- Eating away at the strength of the body's strength
- For men can lower their sexual power, making it sluggish, weak, and premature ejaculation, even impotent.

Side effects on women's health, bleeding during intercourse, endometriosis thickening of the uterine wall, causing porous, and disorders of the joints.

Likewise with the psychological condition of women, such as rapid emotions, confusion, sad confusion, and there will eventually feel extreme pain when intercourse (*trauma frigidity*).

Besides that, gradually al-'azl for women will result in frigid attitude in sexual intercourse, because he has never felt vibrations or organisms during intercourse. So that he will cry because of trivial issues and he will feel troubled just because of a small case, pulling the penis before the perfect goal is the main factor that makes you nervous and reluctant to have sex.[12]

3.4. Family Planning in Islam

Family planning is a process of regulating pregnancy in order to create a prosperous family. According to Law Number 52 Year 2009 article 1 regarding Population Development and Family Development states that Family Planning is an effort to regulate child birth, the ideal distance and age of birth, regulate pregnancy through promotion, protection and assistance in accordance with reproductive rights to realize quality families.

According to the Law of the Republic of Indonesia Number 10 of 1992 article 1 paragraph 12 concerning the development of population and the development of a prosperous family states that family planning is an effort to increase awareness and community participation through maturing the age of marriage, birth arrangements, fostering family endurance, increasing family welfare to realize small family, happy and prosperous.

However in Islam, family planning becomes a polemic problem because there are some scholars who state that family planning is prohibited but there are also verses of the Qur'an that support family planning programs. In the Qur'an, there are several verses relating to family planning, they are:

وَلْيَخُشِ الَّذِينَ لَوْ تَرَكُوا مِنْ خَلْفِهِمْ ذُرِّيَّةً ضِعَافًا خَافُوا عَلَيْهِمْ فَلْيَتَّقُوا اللَّهَ
وَلْيَقُولُوا قَوْلًا سَدِيدًا

The Islamic law on family planning is, in principle, acceptable to Islam, even family planning with the aim of creating a quality and prosperous family that gives birth to strong offspring that is very much in line with the objectives of Islamic shari'ah, which is to realize the benefit of the people. In addition, Family planning also has a number of benefits that can prevent the emergence of decadence. According to the functions and benefits of family planning that can give birth to benefits and prevent decadence, there is no doubt the ability of family planning in Islam.

Some clerics who allow family planning agree that family planning which is permitted by shari'ah is an attempt to arrange births based on agreement between husband and wife because of certain situations and conditions for the benefit of the family.

Thus, family planning has the same meaning as *tanzim al nasl* (controlling descent) and it does not mean *tahdid al nasl* (limiting descent). in this case of infertility and abortion, family planning is not prohibited. The ability of family planning within the limits of the above understanding has been widely claimed, both by individual cleric and institutions to the national and international Islamic level. Therefore, it can be concluded that the ability of family planning with the understanding of this limit has almost become the *Ijma'Ulama*.

MUI has issued a similar fatwa in the Ulama National Conference on Population, Health and Development in 1983. However theoretically many Ulama fatwas allow family planning in the sense of *tanzim al-nasl*, but we must still pay attention to the type and workings of contraceptives that will be used in family planning.

In addition to Islamic law that supports family planning, there are scholars who interpret the prohibition of family planning as stated in the QS. Al-An'am: 151 This is the hadith of the prophet Muhammad.

متفق عليه) (انك تدرورتك اغنياء خير من ان تدرهم عالة لتكفون الناس

However, if the wife or husband condition or husband is forced to avoid decreasing the disease of the father / mother of the offspring who will be born or threatened the life of the mother if she is pregnant or giving birth to a baby, then sterilization is allowed by Islam because it is considered to be urgent. This is hinted at by the rules:

الضرورة تبيح المحظورات

The Indonesian Ulema Council has stated that the use of this sterilization for family planning in 1983 on the grounds that sterilization could result in permanent According to the Law of the Republic of Indonesia Number 10 of 1992 article 1 paragraph 12 concerning the development of population and the development of a prosperous family states that family planning is an effort to increase awareness and community participation through maturing the age of marriage, birth arrangements, fostering family endurance, increasing family welfare to realize small family, happy and prosperous.

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Islamic level. Therefore, it can be concluded that the ability of family planning with the understanding of this limit has almost become the *Ijma' Ulama* (consensus of the Muslim scholar).

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الضرورة تبيح المحظورات

The Indonesian Ulama Council has stated that the use of this sterilization for family planning in 1983 on the grounds that sterilization could result in permanent infertility. According to Masjufuk Zuhdi, the sterilization is permitted because it does not create infertility forever. Because medical technology is increasingly sophisticated, the medical technology can perform the operation of connecting the female oviducts or male channels that have been sterilized.

The prevention of pregnancy is permitted by *syara'* includes, using pills, injections, spirals, condoms, diaphragms, vaginal tablets, tissue. This method is allowed as long as it does not harm the mother's life. This is categorized as *azl*, as the Prophet's hadith:

كُنَّا نَعْرِضُ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، وَالْقُرْآنُ يُنَزَّلُ وَفِي لَفْظِ آخَرَ: كُنَّا نَعْرِضُ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَبَلَغَ ذَلِكَ نَبِيَّ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَلَمْ يَنْهَنَا .

Mahmud Syaltout, in *Al-Fatawa*, allows family planning. His opinion was conveyed at a seminar in Lahore in 1964. According to him, the objections to the anti-population control movement that caused population shrinkage could be overcome by improving the quality of Muslims.[13], [14]

Azl or interrupted copulation is mentioned in the Koran, so some scholars use *qiyas*, if *azl* is allowed, then other methods of attempting to regulate pregnancy are allowed.[12] As explained on the Word of God, in Sura al-Nisa verse 9.

Medical science is actually a developing science of statistics. A healthy pregnant age is between 20 to 30 years. Increased cases of congenital defects in the fetus if the mother is pregnant at the age of over 35 years. We

know that Siti Aisha was married to the Prophet at a very young age, but the Prophet delayed her promulgation until she was of an adequate age. This process of emotional maturity seems to be very different in the time of the Prophet and today. No 10-year-olds are currently at the level of emotional maturity that is equivalent to the level of maturity that Siti Aisyah has at the same age. Because of hormonal influences, pregnant women are disturbed by their emotional and psychological balance.

The Koran teaches us to breastfeed for two whole years. We know that the breastfeeding process is stimulated by the excretion of the hormone prolactin which makes breast milk. This prolactin inhibits the hormone that makes menses and fertility so that women can breastfeed for two years. a woman's ability to breastfeed for two full years is also a form of thinning pregnancy.

Our intentions are only known by God. therefore, the most perfect proof of intention is "at the time of judgment on the Day after". Likewise with family planning, if the purpose of family planning is because wanting a few children, afraid of damaged skin, afraid of saggy vagina, afraid of being sexually disturbed, or afraid of poverty, of course family planning is not *baraka* because it was based only on egoism not *hablu minallah* or *hablu Minnana*s. However, it would be different if the effort to spell the pregnancy was due to efforts to be able to educate children more perfectly or because we were afraid of birth defects when we were over 35 years old.

4. CONCLUSION

The family planning (*tanzim al-nasl*) or (*tahdid al-nasl*) is an effort to regulate the number of births in such a manner, with the aim of achieving family welfare and happiness, by accepting and practicing potential and happy small family ideas.

Pros and cons among scholars in addressing family planning is very reasonable, because family planning itself has several benefits and harms at once. Family Planning Law revolves around the law contained in it. If family planning is replaced by *tanzim al-nasl*, it can be in line with the purpose of family planning, namely to achieve a happy and prosperous family by preparing more established cadres. however, if the notion of family planning is interpreted as *tahdid al-nasl*, this is contrary to the aims of the *shari'ah*, which states that restriction of heredity is not permissible in Islam. one of the lightest effectiveness is *al-'azl* even though it has a negative side related to its convenience.

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