

## VASECTOMY AS A CONDITION FOR SOCIAL ASSISTANCE: THE MAQASID AL-SHARIAH APPROACH AND GENDER EQUALITY



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### Abstract

The policy proposal linking social assistance to vasectomy has sparked considerable debate due to its complex relationship with reproductive rights, ethical issues, and religious beliefs. This study addresses the topic through the framework of Maqasid al-Shari'ah, focusing on two primary objectives: *hifz al-nasl* (protection of lineage) and *hifz al-mal* (protection of wealth), while also considering gender equality. Using a qualitative library research approach, the study explores a variety of sources related to Maqasid al-Shari'ah, gender equality, population control, and the allocation of social welfare. The findings suggest that vasectomy is traditionally viewed as conflicting with *hifz al-nasl* because it directly impacts reproductive capacity. Reproductive decisions traditionally emphasize the preservation of lineage, and any action that impairs fertility is often seen as contrary to this objective. However, under the principle of necessity (*darurah*), there is room for exceptions, where actions like vasectomy may be justified if they lead to greater public welfare (*maslahah*), especially in cases of overpopulation or when the financial resources required for raising children exceed the capacity of families or the state. From a Maqasid perspective, vasectomy could contribute positively by improving the quality of future generations through more sustainable family planning. Additionally, involving men in contraceptive responsibility aligns with gender equality, fostering a more equitable distribution of reproductive duties between men and women. This approach promotes justice by reducing the disproportionate burden placed on women and encouraging shared responsibility in population control efforts, which are critical for maintaining the long-term effectiveness of social welfare programs.

### Abstrak

Usulan kebijakan yang menghubungkan bantuan sosial dengan vasektomi telah memicu perdebatan signifikan karena hubungannya yang kompleks dengan hak reproduksi, isu etika, dan keyakinan agama. Penelitian ini membahas topik ini melalui kerangka Maqasid al-Shari'ah, dengan fokus pada dua tujuan utama: *hifz al-nasl* (perlindungan garis keturunan) dan *hifz al-mal* (perlindungan kekayaan), sambil mempertimbangkan kesetaraan gender. Menggunakan pendekatan penelitian pustaka kualitatif, studi ini mengeksplorasi berbagai sumber yang terkait dengan Maqasid al-Shari'ah, kesetaraan gender, pengendalian jumlah penduduk, dan alokasi kesejahteraan sosial. Temuan penelitian menunjukkan bahwa vasektomi secara tradisional dianggap bertentangan dengan *hifz al-nasl* karena secara langsung mempengaruhi kapasitas reproduksi. Keputusan reproduksi secara tradisional menekankan pelestarian garis keturunan, dan setiap tindakan yang mengganggu kesuburan sering kali dianggap bertentangan dengan tujuan ini. Namun, berdasarkan prinsip kebutuhan (*darurah*), ada ruang untuk pengecualian, di mana tindakan seperti vasektomi dapat dibenarkan jika itu mengarah pada kesejahteraan publik yang lebih besar (*maslahah*), terutama dalam kasus overpopulasi atau ketika sumber daya finansial yang dibutuhkan untuk membesarkan anak melebihi kapasitas keluarga atau negara. Dari perspektif Maqasid, vasektomi dapat memberikan kontribusi positif dengan meningkatkan kualitas generasi mendatang melalui perencanaan keluarga yang lebih berkelanjutan. Selain itu, melibatkan pria dalam tanggung jawab

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*kontrasepsi sejalan dengan kesetaraan gender, mendorong distribusi tugas reproduksi yang lebih adil antara pria dan wanita. Pendekatan ini mempromosikan keadilan dengan mengurangi beban yang tidak proporsional pada wanita dan mendorong tanggung jawab bersama dalam upaya pengendalian jumlah penduduk, yang sangat penting untuk menjaga efektivitas jangka panjang program kesejahteraan sosial.*

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## INTRODUCTION

Social assistance (*bansos*) is one of the state's instruments aimed at ensuring the welfare of the poor. Social assistance is not merely charitable in nature, but also functions as an instrument of economic redistribution to promote social justice.<sup>1</sup> However, in practice, the distribution of social assistance often faces obstacles such as inequality, misuse, and a lack of long-term impact on poverty alleviation.<sup>2</sup> Therefore, a new discourse has emerged suggesting that the receipt of social assistance should be accompanied by certain conditions, one of which is vasectomy as a means of controlling the number of children in low-income families.

This discourse surfaced in early May 2025, when the Governor of West Java, Dedi Mulyadi, proposed that husbands from families receiving social assistance be encouraged to undergo a vasectomy as part of the family planning program.<sup>3</sup> The statement was made in response to the idea that social assistance for families with a large number of children could be linked to reproductive responsibility.<sup>4</sup> The proposal immediately drew widespread public attention and criticism. Several religious leaders, including local MUI representatives and independent Islamic scholars, argued that the policy risks violating Islamic principles on reproductive rights and bodily autonomy, especially if framed as a prerequisite rather than a voluntary option.<sup>5</sup> Some emphasized that family planning in Islam must prioritize consent and cannot involve any form of indirect coercion. From a gender perspective, women's rights organizations expressed concern that the policy reinforces state control over reproductive choices and may pressure economically vulnerable families into irreversible medical procedures.<sup>6</sup> Civil society groups also warned that the proposal could stigmatize poor households and lead to discriminatory welfare practices.<sup>7</sup>

On the other hand, proponents including some public health experts and population policy advocates consider the policy strategic for curbing uncontrolled population growth and improving the long-term effectiveness of social assistance. They

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<sup>1</sup> Andi Patimbangi and Muhammad Amir, "Dampak Transformatif Bantuan Sosial Dalam Perspektif Ekonomi Islam (Studi Desa Lilirawang Kecamatan Bengo Kabupaten Bone)," *Jurnal Ekonomi, Manajemen, Akuntansi Dan Keuangan* 6, no. 3 (2025): 1 – 13.

<sup>2</sup> Hasbi Naufal Hakim, "Efektivitas Program Bantuan Sosial Berbentuk Digital Untuk Pemenuhan Kebutuhan Pokok Di Kecamatan Bandung Kulon Kota Bandung." (Disertasi, UIN Sunan Gunung Djati, n.d.).

<sup>3</sup> *Kata Dedi Mulyadi Soal Wacana Vasektomi Untuk Bansos Dinilai Haram*, 2025, <https://www.detik.com/jabar/berita/d-7897857/kata-dedi-mulyadi-soal-wacana-vasektomi-untuk-bansos-dinilai-haram?>

<sup>4</sup> "Pernyataan Gubernur Jabar Tentang Program KB Dan Bantuan Sosial," paper presented at Siaran Pers, Jawa Barat, Pemerintah Provinsi Jawa Barat, 2025.

<sup>5</sup> Antara, "Respons MUI Hingga Mensos Soal Vasektomi Jadi Syarat Bansos Ala Dedi Mulyadi," *Majalah Tempo*, 2025, <https://www.tempo.co/politik/respons-mui-hingga-mensos-soal-vasektomi-jadi-syarat-bansos-ala-dedi-mulyadi-1364254>.

<sup>6</sup> MENATA DATA, MENAJAMKAN ARAH: Refleksi Pendokumentasian Dan Tren Kasus Kekerasan Terhadap Perempuan, Catatan Tahunan (Jakarta, 2025).

<sup>7</sup> Ahmad Kamalul Fikri, "Konstruksi Berita Anjuran Vasektomi Oleh Gubernur Jawa Barat 2015: Tinjauan Linguistik Pada Framing Media Detik.Com Dan Tempo," *Komunika: Journal of Islamic Communication & Broadcasting* 5, no. 1 (2025): 88 – 108.

argue that involving men in reproductive responsibility, through vasectomy, may help balance the gendered burden historically placed on women.<sup>8</sup> This controversy highlights the need to examine the issue of vasectomy as a prerequisite for social assistance from the perspective of *Maqāṣid al-Sharī'ah*,<sup>9</sup> which evaluates the potential benefits (*maṣlaḥah*) and harms (*mafsadah*) of the policy, as well as through the lens of gender equality, which considers its implications for justice, autonomy, and shared responsibility within families.

Several previous studies have discussed the issue of vasectomy within the context of public policy. The first is a study on the limitation of reproduction through vasectomy in social assistance policies,<sup>10</sup> the second is a study on vasectomy as a prerequisite for receiving social assistance, examined from the philosophical aspect of health law as a fundamental human right,<sup>11</sup> the third is a study on the news construction of the 2025 vasectomy recommendation issued by the Governor of West Java,<sup>12</sup> the fourth is a study analyzing *Maqasid al-Shari'ah* in public policies that involve elements of coercive contraception,<sup>13</sup> the fifth is a study on reproductive health policies and social assistance with vasectomy requirements, examined from the perspective of Islamic family law, The sixth is a study on the controversy surrounding vasectomy contraception, analyzed through the lens of *Maqasid al-Shari'ah* within the community of Siak Kecil, Bengkalis Regency.<sup>14</sup>

However, existing research largely critiques or describes vasectomy policies without providing a systematic justification for their potential *maslahah*, nor do they incorporate a gender equality framework that addresses the imbalance of reproductive responsibility historically placed on women. This gap underscores the importance of a new analytical approach. Therefore, this study aims to examine the discourse on vasectomy as a prerequisite for social assistance through the integrated framework of *Maqasid al-Shari'ah*—particularly *ḥifẓ al-nasl* and *ḥifẓ al-māl*—and gender equality. Thus, it aims to promote both social welfare and social justice. This article also offers several conceptual recommendations, including: designing reproductive—health—related social assistance policies that avoid any form of coercion, ensuring informed consent, strengthening male participation in family planning, and aligning policy implementation with the principles of *maqasid al-shari'ah* and gender equality. These solutions are intended to guide policymakers in formulating welfare programs that are ethically justified and socially equitable.

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<sup>8</sup> Ruslina Dwi Wahyuni, Windari Windari, and Azhar Rashed, "Menelusik Efektivitas Sistem Hukum Kesehatan: Sebuah Evaluasi Strategis Terhadap Kebijakan Publik Dan Implementasinya Di Indonesia," *Lisyabab: Jurnal Studi Islam Dan Sosial* 6, no. 1 (2025): 197–213.

<sup>9</sup> Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: IIIT, 2008), p. 92–93.

<sup>10</sup> Mendisa Kafutra, "Pembatasan Keturunan Lewat Vasektomi Dalam Kebijakan Bantuan Sosial ( Analisis Syari'ah Terhadap Program Dedi Mulyadi )," *Al- Muhkam : Journal of Islamic Law and Jurisprudence* 1, no. 1 (2025): 20–30.

<sup>11</sup> Sabrina Nuraini Sari and Suriyani Mansyur, "Vasektomi Sebagai Syarat Penerima Bantuan Sosial: Tinjauan Filosofis Hukum Kesehatan Sebagai Hak Asasi Manusia," *Rewang Rencang: Jurnal Hukum Lex Generalis* 5, no. 12 (2024): 1–9.

<sup>12</sup> Fikri, "Konstruksi Berita Anjuran Vasektomi Oleh Gubernur Jawa Barat 2015: Tinjauan Linguistik Pada Framing Media Detik.Com Dan Tempo."

<sup>13</sup> Briyan Maulana Abadi, Muhammad Faisol Zahwa, and Adan Has Wildan, "Analisis Maqasid Al – Shari 'ah Atas Kebijakan Publik Yang Mengandung Unsur Pemaksaan Kontrasepsi," *Al-Qanun: Jurnal Pemikiran Dan Pembaharuan Hukum Islam* 27, no. 2 (n.d.): 239–49.

<sup>14</sup> ZL Zulkifli, "KONTROVERSI KONTRASEPSI VASEKTOMI (Analisis Maqashid AL – Syari'ah Pada Masyarakat Kecamatan Siak Kecil Kabupaten Bengkalis)" (Tesis, UIN Suska Riau, 2022).

## METHODS

This study employs a qualitative approach using the library research method. This approach is appropriate because the object of inquiry consists of normative concepts, public policy discourses, and Islamic legal arguments related to the use of vasectomy as a prerequisite for receiving social assistance. The data sources of this research comprise primary and secondary references selected based on their relevance, scholarly credibility, and contribution to the discourse on *Maqāṣid al-Sharī'ah*, Islamic family law, gender studies, and population control policies. The literature reviewed spans the period from 2020 to 2025, supplemented by classical works in Islamic legal theory that provide the foundational framework for Maqasid analysis.

The primary sources include classical texts on Maqāṣid al-Sharī'ah, contemporary writings on Islamic law and gender equality, government regulations, and academic publications related to reproductive health and social welfare distribution. Secondary sources include articles, policy reports, and news analyses that help contextualize the public discourse surrounding the vasectomy policy proposal. Data were analyzed using qualitative content analysis. This procedure was carried out systematically through four stages: (1) data collection, by identifying and documenting relevant textual materials; (2) data reduction, by selecting content that directly addresses vasectomy, social assistance, and Maqasid principles; (3) classification, by categorizing the data into thematic clusters such as *ḥifẓ al-nasl*, *ḥifẓ al-māl*, and gender equality; and (4) interpretation, through synthesizing meanings and assessing the normative implications of the proposed policy.

To strengthen data validity, this study employs source triangulation by comparing information obtained from classical fiqh literature, contemporary scholarly opinions, and current regulatory frameworks. Triangulation was implemented by cross-checking similar themes—such as reproductive ethics, population policies, and *maslahah* considerations—across multiple independent sources to ensure consistency of interpretation. Through these methods, the study maintains both normative—theoretical depth and contextual relevance by linking Islamic legal principles with contemporary social needs and public policy challenges in Indonesia.

## RESULT AND DISCUSSION

### RESULT

#### Vasectomy Procedure

Vasectomy is one of the permanent contraceptive methods for men, performed by cutting or sealing the sperm ducts (*vas deferens*), thereby preventing sperm from being released along with seminal fluid during ejaculation.<sup>15</sup> This procedure is classified as a minor surgical operation commonly performed by medical professionals under local anesthesia, allowing the patient to remain conscious without experiencing pain in the operated area.<sup>16</sup> Technically, vasectomy can be performed in two forms. The first is the conventional vasectomy, in which the doctor makes a small incision in the scrotum, then cuts and ties the *vas deferens* on both sides. The second is the no-scalpel vasectomy, a modern technique that requires only a small puncture using a specialized instrument to

<sup>15</sup> WHO, *Family Planning: A Global Handbook for Providers* (Baltimore and Geneva: WHO, 2018), p. 233.

<sup>16</sup> American Urological Association, *AUA Guideline*, Maryland: AUA, 2015, p. 10.

reach the *vas deferens*, which is then cut and sealed. This technique is considered safer as it reduces the risk of bleeding and infection and allows for a faster recovery period.<sup>17</sup>

The vasectomy procedure is relatively brief, typically taking only 15–30 minutes. After the procedure, patients can usually resume normal activities within one to two days, although strenuous activities and sexual intercourse are advised to be postponed for several days until the incision has completely healed.<sup>18</sup> The success rate of vasectomy in preventing pregnancy is remarkably high, with an effectiveness of up to 99%, making it one of the most reliable contraceptive methods available.<sup>19</sup> However, the contraceptive effect of vasectomy is not immediate, as sperm may remain in the reproductive tract for several weeks or up to approximately 10–20 ejaculations after the procedure. Therefore, patients are advised to use additional contraceptive methods until a semen analysis confirms that no sperm remain.<sup>20</sup>

### Purpose of Vasectomy

The primary purpose of vasectomy is to serve as a permanent contraceptive method for men, aimed at preventing pregnancy.<sup>21</sup> This procedure works by cutting or sealing the sperm ducts so that sperm cannot mix with seminal fluid during ejaculation. Thus, vasectomy provides an effective alternative for couples who feel that they already have enough children and do not wish to have any more. It becomes a relevant choice for couples seeking a long-term solution, as vasectomy requires no ongoing maintenance unlike hormonal or other temporary contraceptive methods. The permanent nature of vasectomy fundamentally distinguishes it from temporary contraceptive methods, which still allow couples to conceive again after discontinuation. Therefore, the main purpose of vasectomy is not only related to preventing pregnancy but also to ensuring certainty and stability in family planning.<sup>22</sup>

The objectives of vasectomy are not limited merely to birth control but are also closely related to efforts to improve family welfare. For families with weak economic conditions, having too many children often becomes an obstacle to meeting basic needs such as food, education, and healthcare. Therefore, by undergoing a vasectomy, the family's economic burden can be better managed, as the number of dependents is reduced. Consequently, limited income can be allocated more proportionally to improve the quality of life of the existing children.<sup>23</sup> Thus, the vasectomy procedure functions as a family planning instrument that supports the realization of social welfare and the equitable distribution of resources within the household.

Furthermore, vasectomy is often regarded as a rational form of medical intervention, particularly in cases of recurrent pregnancies that pose serious health risks to the wife. In certain conditions, pregnancy may exacerbate chronic illnesses suffered by a woman or even create life-threatening complications. In such situations, vasectomy serves as a preventive option that can be chosen by married couples to protect the mother's health

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<sup>17</sup> S Nirapathpongorn, "No – Scalpel Vasectomy at the King's Birthday Vasectomy Festival," *The Lancet* 335, no. 8689 (1990): 894–95.

<sup>18</sup> UNFPA, "Contraceptive Methods: Vasectomy," (New York), UNFPA, 2020, p. 5.

<sup>19</sup> BKKBN, *Laporan Tahunan Program Keluarga Berencana Nasional* (Jakarta: BKKBN, 2021), p. 55.

<sup>20</sup> WHO, "Medical Eligibility Criteria for Contraceptive Use," (Geneva), WHO, 2015, p. 76.

<sup>21</sup> Jasmine Ayunda Saputri and Novia Jasmine Cecilia Safitri, "Determinan Yang Memengaruhi Penerimaan Metode Kontrasepsi Vasektomi Pada Pria Di Indonesia," *Jurnal Penelitian Inovatif* 4, no. 3 (2024): 1469–78.

<sup>22</sup> WHO, *Family Planning: A Global Handbook for Providers*, p. 234–236.

<sup>23</sup> Mixson Manurung, Sarida Surya Manurung, and Rostinah Manurung, *Tubektomi Dalam Perspektif Suami, Sosio Demographi Dan Sosial Budaya* (Bogor: Guepedia, 2020), p. 75.



and safety.<sup>24</sup> Therefore, the purpose of vasectomy is not solely related to contraception but also encompasses broader humanitarian aspects—namely, safeguarding the continuity of life and the quality of health of both partners within the household.

## Legal Basis for Vasectomy in Islamic Jurisprudence and Indonesian Islamic Legal Provisions

In Islamic jurisprudence, vasectomy is not explicitly addressed in classical texts; however, the principles of fiqh provide a normative framework for assessing its legal status based on the *maqasid al-shari'ah* and the consideration of public welfare (*maṣlaḥah*). Classical scholars generally permitted contraceptive practices as long as they did not cause harm and were based on the mutual consent of husband and wife, as evidenced by the permissibility of *'azl* (coitus interruptus) in various authentic ḥadīth.<sup>25</sup> In contemporary contexts, scholars allow permanent medical procedures when there is a pressing need (*ḥājah*) or an emergency situation (*ḍarūrah*), such as serious health risks posed to the wife by repeated pregnancies or severe economic hardship that threatens the well-being of the family.<sup>26</sup> The Indonesian Council of Ulama (MUI) affirms this position by stating that permanent contraceptive methods such as vasectomy and tubectomy are generally impermissible unless supported by strong medical indications and no safer alternatives are available.<sup>27</sup> This stance aligns with Law No. 52 of 2009 on Population Development and Family Planning, which permits the use of contraceptive services based on voluntariness, without coercion, and with informed consent.<sup>28</sup> Moreover, the *Kompilasi Hukum Islam* (Compilation of Islamic Law) recognizes family planning as permissible so long as it does not contradict religious teachings and is implemented for the welfare of the family.<sup>29</sup> Therefore, the legal basis for vasectomy within the Indonesian Islamic legal framework suggests that the procedure may be justified both religiously and legally when conducted under legitimate necessity, promotes family welfare, ensures consent, and avoids coercive practices.

## Criteria and Requirements for Social Assistance Recipients

Social assistance is essentially a state policy designed to protect groups within society who are in vulnerable socio-economic conditions.<sup>30</sup> Recipients of social assistance are generally individuals or families categorized as poor or living below the welfare line, who struggle to meet their basic needs such as food, clothing, shelter, health, and education. The existence of social assistance represents one of the state's responsibilities in fulfilling the constitutional mandate to achieve social justice for all the people of

<sup>24</sup> Siti Maryam, *Kesehatan Reproduksi Dan Keluarga Berencana* (Jambi: PT. Sonpedia Publishing Indonesia, 2025), p. 60–61.

<sup>25</sup> Al-Nawawi, *Syarḥ Ṣaḥīḥ Muslim* (Beirut: Dar al-Ma'rifah, 1996), 10:p. 6–8.

<sup>26</sup> Wahbah Al-Zuhaili, *Al-Fiqh al-Islāmī Wa Adillatuh*, VII (Damaskus: Dar al-Fikr, 1989), p. 116–118.

<sup>27</sup> "Rujuk Hasil Ijtima Ulama Tahun 2012, Komisi Fatwa MUI Tegaskan Vasektomi Haram," *MUI Jawa Timur* (Didoarjo), 2025, <https://muijatim.or.id/2025/05/08/rujuk-hasil-ijtima-ulama-tahun-2012-komisi-fatwa-mui-tegaskan-vasektomi-haram#:~:text=Sidoarjo%2C%20MUI%20Jatim.%20Ketua%20Majelis%20Ulama%20Indonesia,Vasektomi%20merujuk%20pada%20hasil%20Ijtima%20Ulama%20Komisi.>

<sup>28</sup> Undang-Undang (UU) Republik Indonesia Nomor 52 Tahun 2009 Tentang Perkembangan Kependudukan Dan Pembangunan Keluarga Adalah Landasan Hukum Utama Untuk Pelaksanaan Program Kependudukan Dan Keluarga Berencana Di Indonesia. (n.d.).

<sup>29</sup> *Kompilasi Hukum Islam* (n.d.).

<sup>30</sup> Ellen Chang and Natania Frederica, "Keadilan Sosial Dalam Kebijakan Pemberdayaan Masyarakat Marginal: Studi Kasus Program BPNT Dan PKH," *Urnal Pendidikan Sejarah Dan Riset Sosial Humaniora* 5, no. 1 (2025): 163–72.

Indonesi.<sup>31</sup> Within the regulatory framework, the right to social assistance is affirmed in Law No. 13 of 2011 concerning the Handling of the Poor, which stipulates that the poor are entitled to social protection in the form of social security, empowerment, and social assistance.<sup>32</sup> The implementation of this provision is reflected in various programs, such as the *Program Keluarga Harapan* (PKH), which emphasizes conditional assistance to improve the education and health of low-income families; the *Bantuan Pangan Non-Tunai* (BPNT), which aims to ensure access to nutritious food; as well as *Bantuan Sosial Tunai* (BST) and other social protection programs that are adaptive to crisis situations such as pandemics or natural disasters.<sup>33</sup>

Furthermore, the groups eligible for social assistance encompass various segments of society who are in vulnerable conditions and require state support to sustain their livelihoods. They include not only households living below the poverty line but also families with malnourished toddlers at risk of developmental disorders, elderly individuals without economic support, and persons with disabilities who face physical limitations or restricted access to decent employment.<sup>34</sup> In addition, communities affected by natural disasters, social conflicts, or economic crises are also included among the categories of social assistance recipients, as their circumstances require immediate recovery support.

Thus, social assistance policy embodies two essential dimensions. First, the protective dimension, which functions as a social safety net to ensure the fulfillment of basic needs for underprivileged groups. Second, the distributive dimension, which serves to promote the equitable distribution of resources and welfare, thereby preventing the widening of social inequality between the rich and the poor. Through this redistributive mechanism, social assistance is expected to become a tangible instrument in realizing social justice as mandated by the Constitution—ensuring that every citizen attains the right to a decent life and protection from structural inequalities within society.

### The Concept of *Maqasid al-Shari'ah*

*Maqasid al-Shari'ah* is a fundamental concept in Islamic law that refers to the primary objectives intended to be achieved by the Shari'ah. Linguistically, *maqasid* means purpose, aim, or objective,<sup>35</sup> Meanwhile, *al-Shari'ah* means the law or set of regulations prescribed by Allah SWT for humankind.<sup>36</sup> Thus, *maqasid al-shari'ah* can be understood as the fundamental objectives that Islamic law seeks to achieve in order to realize benefit (*maslahah*) and prevent harm (*mafsadah*) in human life.<sup>37</sup> Classical scholars such as al-Ghazali and al-Shatibi emphasized that *maqasid al-shari'ah* focus on safeguarding five essential aspects of human life, known as *al-dharuriyyat al-khamsah*. These five aspects

<sup>31</sup> Tareq Jati Pamungkas and Achmad Hariri, "Tanggung Jawab Negara Dalam Pemenuhan Jaminan Sosial Persepektif Welfare State," *Media of Law and Sharia* 3, no. 4 (2022): 270–83.

<sup>32</sup> "UU No. 13 Tahun 2011 Tentang Penanganan Fakir Miskin," 2011, <https://peraturan.bpk.go.id/Details/39223/uu-no-13-tahun-2011>.

<sup>33</sup> Desti Destiana Putri, "Pengaruh Program Keluarga Harapan (Pkh) Dan Bantuan Pangan Non Tunai (Bpnt) Terhadap Kesejahteraan Keluarga Penerima Manfaat Dalam Perspektif Ekonomi Islam (Studi Kasus Desa Demangharjo Kecamatan Warureja Kabupaten Tegal)" (Disertasi, UIN. KH Abdurrahman Wahid, 2024).

<sup>34</sup> Sari and Mansyur, "Vasektomi Sebagai Syarat Penerima Bantuan Sosial: Tinjauan Filosofis Hukum Kesehatan Sebagai Hak Asasi Manusia."

<sup>35</sup> Ibn Manzhur, *Lisan Al-'Arab* (Beirut: Dar Sadir, 1990), 11:p. 353.

<sup>36</sup> Manzhur, 11:p. 355.

<sup>37</sup> Manzhur, 11:p. 357.

include: *hifzl din* (protection of religion), *hifzl nafs* (protection of life), *hifzl 'aql* (protection of intellect), *hifzl nasl* (protection of lineage), and *hifzl maal* (protection of wealth).<sup>38</sup>

All Islamic legal rulings are essentially oriented toward the protection and preservation of these five fundamental aspects. For instance, the prohibition against killing relates to *hifzl nafs* (protection of life), the obligation to seek knowledge pertains to *hifzl 'aql* (protection of intellect), and the obligation of *zakat* is associated with *hifzl maal* (protection of wealth), and so forth. Furthermore, in the development of Islamic legal discourse, the understanding of *maqasid al-shari'ah* has undergone significant expansion. Initially, *maqasid al-shari'ah* was understood only within the framework of *al-dharuriyyat al-khamsah*, which are essential for safeguarding human survival. Later, scholars expanded the categorization of *maqasid al-shari'ah* into three levels of human needs, namely:<sup>39</sup>

**First:** *Al-Dharuriyyah*, which refers to primary needs that must be fulfilled to preserve human existence and the order of life.<sup>40</sup> This level represents the most fundamental and absolute needs essential for human survival and the maintenance of social order. At this stage, fulfilling these needs is not merely important but constitutes an existential requirement for a dignified human life. Neglecting aspects within the *dharuriyyah* category can lead to significant harm (*mafsadah kubra*) that threatens the balance of both individuals and society as a whole.

Within this framework, Islamic law establishes five fundamental objectives that must be safeguarded, interrelated, and form the moral and social foundation of the entire legal system. For example, protecting religion (*hifzl din*) means ensuring freedom of worship and adherence to Islamic moral principles; protecting life (*hifzl nafs*) entails safeguarding individuals from physical and psychological dangers that threaten their existence; protecting intellect (*hifzl 'aql*) encourages rational thinking and the avoidance of anything that impairs reasoning, such as alcohol or narcotics; protecting lineage (*hifzl nasl*) aims to preserve family dignity, honor, and generational continuity; while protecting wealth (*hifzl maal*) functions to regulate economic distribution fairly and prevent unjust practices such as usury, theft, and corruption.<sup>41</sup> Thus, at the *al-dharuriyyah* level, *maqasid al-shari'ah* reflects the Shari'ah's effort to ensure that the basic needs of humans are preserved. If any of these five elements are threatened, legal interventions—whether in the form of policies, regulations, or social actions—can be justified to safeguard greater public welfare (*jalb al-maslahah*) and prevent harm (*dar' al-mafasid*).

**Second:** *Al-Hajiyyah*, which refers to the category of secondary needs that serve to alleviate difficulties and provide ease in human life. Fulfilling needs at this level is not as absolute as in *al-daruriyyah*; however, their absence can lead to hardship (*haraj*) and difficulty (*mashaqqah*) in daily life. The basic principle of *maqasid* at this level is to create facilitation so that humans can fulfill their obligations reasonably without undue burden.<sup>42</sup> A concrete example of *maqasid al-shari'ah* at this level is the provision of *rukhsah* (concessions) in worship, such as allowing travelers to combine (*jamak*) or shorten (*qashar*)

<sup>38</sup> Abu Hamid Muhammad ibn Muhammad Al-Ghazali, *Al-Mustasfa Min 'Ilm al-Usul*. (Beirut: Dar al-Kutub al-'Ilmiyyah, 1993), 1:p. 286. Lihat juga pada : Al-Syatibi, *Al-Muwafaqat Fi Usul al-Syari'ah*, ed. 'Abdullah Darraz (Beirut: Dar al-Ma'rifah, 1996), p. 8–9.

<sup>39</sup> Al-Syatibi, *Al-Muwafaqat Fi Usul al-Syari'ah*, p. 8.

<sup>40</sup> Busyro, *Maqashid Al-Syari'ah* (Jakarta: Prenadamedia Group, 2019), p. 110.

<sup>41</sup> Al-Syatibi, *Al-Muwafaqat Fi Usul al-Syari'ah*, p. 8–10.

<sup>42</sup> Ahmad Al-Raysuni, *Nazariyyat Al-Maqashid 'inda al-Imam al-Syatibi* (Herndon: The International Institute of Islamic Thought, 1992), p. 25.



prayers, permitting the sick to break their fast, or substituting *zakat al-fitr* with its monetary equivalent under certain conditions. All these concessions are intended to maintain a balance between the implementation of the law and the dynamic realities of human life. Thus, *maqasid al-hajiyyah* serves as an instrument of flexibility within Islamic law, allowing adaptation to non-ideal circumstances without compromising the fundamental principles of the Shari'ah.

**Third:** *Al-Tahsiniyyah*, which refers to the level of complementary or enhancing needs, aimed at beautifying, refining, and dignifying human life in accordance with Islamic moral and ethical values.<sup>43</sup> At this level, the Shari'ah provides guidance on ideal behavior across various aspects of life personal, social, and spiritual so that humans live not only adequately but also with dignity and civility. Examples of *maqasid al-tahsiniyyah* can be found in the recommendations to maintain cleanliness, dress modestly, speak politely, and uphold social ethics such as respecting parents, helping others, and caring for the environment. While needs at this level are not urgent, fulfilling them plays a crucial role in creating a civilized society and reflects the completeness of Islamic teachings in fostering human civilization that harmonizes spiritual, moral, and social dimensions.

Thus, the three levels of *maqasid al-shari'ah* that are *al-daruriyyah*, *al-hajiyyah*, and *al-tahsiniyyah*, form an integrated hierarchical framework that shapes a comprehensive structure of Islamic law.<sup>44</sup> *Al-daruriyyah* functions to safeguard the most essential aspects of human life, *al-hajiyyah* provides relief to prevent hardship, while *al-tahsiniyyah* refines human conduct through ethical and moral values. These three levels operate synergistically to realize holistic human welfare, physically, socially, and spiritually allowing Islamic law to uphold balance and justice across various spheres of life. Within the context of this discussion, the author will place particular emphasis on the *daruriyyah* level of maqāsid, especially in relation to the preservation of wealth (*hifz al-māl*) and the preservation of lineage (*hifz al-nasl*). These two dimensions are highlighted because they bear direct relevance to the protection of fundamental human interests, including the economic stability of families and the continuity of future generations. This emphasis is essential to demonstrate how the *maqasid al-shari'ah* operates in practical terms to address contemporary issues that concern public welfare and the safeguarding of life's most essential values.

## Gender Equality in Islam

Etymologically, the term *gender* originates from English, specifically from the word *sex*, which refers to biological sex or sexual category.<sup>45</sup> However, in social science studies, gender is not the same as sex. Sex refers more to the biological differences between men and women (such as reproductive organs, chromosomes, and hormones), whereas gender refers to the social, cultural, and psychological constructs associated with being male or

<sup>43</sup> Busyro, *Dasar-Dasar Filosofis Hukum Islam*, 1 (Revisi) (Ponorogo: WADE, 2017), p. 125. Lihat juga pada : Al-Syatibi, *Al-Muwafaqat Fi Usul al-Syari'ah*, p. 11. Lihat juga pada : Amir Syarifuddin, *Ushul Fiqh* (Jakarta: Kencana, 2009), 2:p. 214.

<sup>44</sup> Al-Juwayni, *Al-Burhan Fi Usul al-Fiqh*, (Beirut: Dar al-Kutub al-Ilmiyyah, 1997), 2:p. 773.

<sup>45</sup> A.S Hornby, *Oxford Advanced Learner's Dictionary of Current English*, 7th ed. (Oxford—Inggris : Oxford University Press, 2005), p. 623.

female.<sup>46</sup> This distinction is important because sex is natural and universal, whereas gender is relative, changeable, and influenced by cultural, social, and historical contexts.<sup>47</sup>

Essentially, Islam positions men and women within the framework of *tawhid* (total submission to Allah), which inherently necessitates justice (*'adl*) and human dignity (*karamah*).<sup>48</sup> This is reflected in the words of Allah SWT in the Qur'an, which affirm that human dignity is not determined by sex but by piety, as stated in Surah al – Hujurat, verse 13. This verse positions humans within a framework of spiritual equality, where superiority is determined solely by the quality of faith and deeds, rather than biological factors.<sup>49</sup> The Qur'an also presents the principle of equality between men and women in moral and spiritual capacities, as stated by Allah SWT in Surah al – Ahzab, verse 35, which affirms that every individual who performs righteous deeds, whether male or female, will be granted a good life and reward without discrimination. This demonstrates that gender does not constitute a barrier to achieving spiritual fulfillment and the rewards of good deeds.<sup>50</sup>

In terms of social practice, the Prophet Muhammad ﷺ provided examples of women's empowerment. For instance, 'Aishah RA played a significant role as a narrator of hadith and a source of scholarly authority, while Khadijah RA was actively involved in the economic sphere. Hadiths also emphasize women's rights in marriage through the principle of *rida* (consent), which requires the prospective bride's approval before a marriage contract (*'aqd nikah*) is considered valid.<sup>51</sup> This fact demonstrates that Islam has, from the outset, recognized women's rights in spiritual, social, and family spheres. Furthermore, a closer examination of classical *fiqh* reveals that some rulings concerning women were often shaped by the social and cultural context of the time for example, regulations regarding testimony in financial transactions (QS. al – Baqarah/2:282) or leadership within the family. Many contemporary scholars emphasize that these rules are *ijtihadi* in nature, meaning they are open to reinterpretation in accordance with the *maqasid al-shari'ah* (objectives of Islamic law), particularly the principles of justice and public welfare.<sup>52</sup>

Furthermore, the concept of gender equality in the views of contemporary scholars emerged as a response to the disparities in roles and rights between men and women, which are often based on patriarchal interpretations of religious texts. Modern Islamic thinkers assert that Islam inherently carries a mission of justice and welfare for all human beings, regardless of gender. Therefore, gender equality is not an idea contrary to Islamic teachings but rather an integral part of the fundamental principles of the Shari'ah.

According to Yusuf al – Qaradhawi, gender equality in Islam means equality in human dignity and religious responsibility, rather than absolute uniformity in biological

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<sup>46</sup> Ann Oakley, *Sex, Gender and Society* (London: Temple Smith, 1972), p. 15. Lihat juga pada : Mansour Fakh, *Analisis Gender Dan Transformasi Sosial* (Yogyakarta: Pustaka Pelajar, 2006), p. 8 – 9.

<sup>47</sup> Fakh, *Analisis Gender Dan Transformasi Sosial*, p. 8.

<sup>48</sup> Nasaruddin Umar, *Argumen Kesetaraan Gender Dalam Al-Qur'an* (Jakarta: Paramadina, 2001), p. 50 – 52.

<sup>49</sup> Fazlur Rahman, *Major Themes of the Qur'an*, 2nd ed. (Chicago: University of Chicago Press, 2009), p. 25 – 27.

<sup>50</sup> Siti Ruhaini Dzuhayatin, *Kesetaraan Dan Keadilan Gender: Perspektif Islam* (Yogyakarta: Pustaka Pelajar, 2002), p. 33.

<sup>51</sup> Kecia Ali, *Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence* (Oxford – Inggris.: Oneworld, 2006), p. 45 – 47.

<sup>52</sup> Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Kuala Lumpur: Ilmiah Publishers, 2003), p. 321.

or social roles.<sup>53</sup> Islam grants equal rights and obligations to men and women in worship, seeking knowledge, working, and contributing to society. Differences in roles between the two are primarily functional and are not intended to imply the superiority of either party. This perspective is reinforced by Fazlur Rahman, who emphasizes that the universal moral principles in the Qur'an are justice (*'adl*) and public welfare (*maslahah*). If a social practice causes inequality or oppression against women, it contradicts the spirit of the Shari'ah.<sup>54</sup>

Meanwhile, Amina Wadud, through a gender hermeneutical approach, asserts that the Qur'an emphasizes spiritual equality between men and women. According to her, Qur'anic verses such as QS. al – Hujurat /49:13 and QS. an – Nisa' / 4:1 position men and women as entities created from a single soul (*nafs wahidah*). Thus, any form of discrimination that relegates women to second – class status contradicts the moral objectives of the Qur'an. Wadud emphasizes that gender equality is an integral part of *maqasid al-shari'ah*, as it aims to safeguard human dignity, honor, and fundamental rights. Furthermore, Jasser Auda, in his theory of *Maqasid al-Shari'ah al-Mu'asirah* (contemporary *maqasid*), situates gender equality within the framework of a dynamic system of public welfare.<sup>55</sup> He argues that Islamic law must be understood comprehensively, flexibly, and oriented toward achieving substantive justice for all human beings. In this context, discrimination against women whether in social, economic, or legal spheres constitutes a violation of *maqasid al-shari'ah*.

Thus, gender equality according to Islam and contemporary scholars is grounded in the principles of justice, balance, and public welfare, as reflected in *maqasid al-shari'ah*.<sup>56</sup> Islam positions men and women as equal in dignity, responsibility, and spiritual potential before Allah SWT, even though their social roles and functions may differ naturally. Contemporary scholars emphasize that gender equality does not mean standardizing roles but ensuring that biological differences do not become a source of injustice or oppression. Therefore, gender equality in Islam is an effort to realize justice and human dignity, enabling men and women to contribute equitably to building a just and dignified society.

## DISCUSSION

Within the framework of *maqasid al-shari'ah*, the *al-dharuriyyah* level encompasses the preservation of five essentials: *hifzl din* (protection of religion), *hifzl nafs* (protection of life), *hifzl 'aql* (protection of intellect), *hifzl nasl* (protection of lineage), and *hifzl mal* (protection of wealth).<sup>57</sup> When analyzed in the context of the policy of vasectomy as a condition for receiving social assistance, it can be situated within two primary aspects of *al-dharuriyyah*: *hifzl nasl* (protection of lineage) and *hifzl mal* (protection of wealth). *Al-dharuriyyah* represents the most fundamental level of human needs, which cannot be neglected without causing significant harm to human life. The following is the analysis:

The primary objective of birth limitation through vasectomy is not to reject offspring entirely, but to safeguard the quality of future generations so that they grow in healthy, dignified, and prosperous conditions. In the context of impoverished families, uncontrolled

<sup>53</sup> Yusuf Al Qardhawi, *Fatawa Mu'ashira Hawla al-Mar'ah* (Beirut, Lebanon: Dar Al – Qalam, 1996), p. 34.

<sup>54</sup> Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: Cambridge University Press, 1982), p. 45.

<sup>55</sup> Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*, p. 63.

<sup>56</sup> Ita Musarrofa and Husnul Muttaqin, "MAQASID SHARIA JASSER AUDA THEORY: SYSTEMS APPROACH TO ISLAMIC FAMILY LAW IN THE DIGITAL ERA," *Al-Hurriyah: Jurnal Hukum Islam* 9, no. 2 (2024): 195 – 208.

<sup>57</sup> Al – Ghazali, *Al-Mustasfa Min 'Ilm al-Usul.*, 1:p. 8 – 9.

pregnancies can result in *mafsadah* (harm), such as the inability to provide children with fundamental rights, including adequate education, nutrition, and healthcare. Furthermore, protecting the quality of lineage does not merely mean producing many children, but also ensuring the birth of a healthy, capable generation with access to education and the ability to contribute meaningfully to society.

Therefore, the implementation of vasectomy can be understood as a manifestation of moral and social responsibility, both by individuals and the state, in creating a balance between population size and the community's economic capacity. In other words, vasectomy serves as a form of protection for the continuity of a higher – quality and more responsible lineage (*hifzl nasl*). This action falls within the *al-dharuriyyah* level, as its absence could cause significant harm to the future of generations and the sustainability of social life. In this context, it can be linked to the fiqh maxim "*al-dharurat tubihul mahzurat*" (necessities permit the prohibited), which allows actions normally considered impermissible under conditions of urgent necessity.<sup>58</sup> This is highly relevant, as birth limitation through vasectomy represents a rational and ethical effort to prevent social and biological harms resulting from extreme poverty and excessive reproductive burdens.

In other words, the vasectomy policy in the context of impoverished families does not contradict the principles of Shari'ah; rather, it aligns with the spirit of *maqasid al-shari'ah* in preserving a healthy, capable, and high – quality lineage. Therefore, the implementation of vasectomy can be understood as a humanitarian measure of *dharuriyyah* significance—not merely a medical strategy, but a concrete manifestation of efforts to safeguard the continuity of life and future generations in the interest of public welfare.

From the perspective of *hifzl maal* (protection of wealth), the policy of vasectomy as a condition for receiving social assistance can be categorized at the *dharuriyyah* level because it directly relates to the economic sustainability of impoverished families. In *maqasid al-shari'ah*, wealth is one of the essential elements that must be protected to ensure humans can live a decent life. Extreme economic deprivation often leads to social harms, such as malnutrition, school dropouts, or even criminal behavior driven by urgent needs. Therefore, efforts to control births through various means are necessary to safeguard the family's economic continuity and prevent collapse or severe hardship.

When viewed in the context of impoverished social assistance recipients, limiting the number of children directly impacts the efficiency of resource utilization. With fewer family members, expenditures on basic needs such as food, clothing, and housing become more manageable. Consequently, the social assistance provided by the state is not quickly depleted on consumptive needs but can be allocated for productive purposes, such as children's education, skill development, or improvements in family health. This represents a concrete implementation of *hifzl maal* at the *dharuriyyah* level, as maintaining the family's economic sustainability is a fundamental condition for ensuring human life.

Moreover, more broadly, limiting the number of children through vasectomy also supports the country's economic sustainability. When the number of impoverished citizens dependent on social assistance decreases, the government's fiscal burden is reduced. Consequently, public funds can be allocated more efficiently to other, more strategic development sectors. Within the framework of *maqasid al-shari'ah*, this measure falls under *maslahah 'ammah* (public welfare), as it provides collective benefits for society at large. Thus, vasectomy in this context is considered an action at the *dharuriyyah* level

<sup>58</sup> Al – Ghazali, 1:p. 481.

because it aims to prevent significant *mafsadah*, namely structural poverty and the inability of families to meet their basic living needs. Furthermore, this perspective aligns with the fiqh maxim: "*daf'ul mafasid muqaddam 'ala jalbil masalih*" (preventing harm takes precedence over achieving benefit). In other words, preventing economic harm through birth limitation is more urgent than merely preserving reproductive potential without considering financial capacity. Therefore, this policy is not merely a form of government intervention in reproductive matters but a concrete manifestation of Shari'ah principles aimed at protecting wealth (*hifzl maal*) and ensuring a dignified life for the community.

Furthermore, the policy of vasectomy as a condition for receiving social assistance can be seen as highly compatible with the perspective of gender equality when placed within the framework of reproductive justice and shared responsibility between men and women. Historically, the burden of family planning programs has tended to fall on women through the use of hormonal contraception or more complex medical procedures. Policies that encourage male participation in birth control through vasectomy represent a paradigm shift toward a fairer distribution of responsibility in managing reproductive functions. From a gender equality perspective, male involvement in vasectomy programs emphasizes that reproductive matters are not solely the responsibility of women but are shared decisions within the household. Therefore, this policy can be regarded as a progressive step in dismantling gender stereotypes that position women as the primary agents of birth control. Active male participation fosters relational balance that reflects the principles of justice and equality between the sexes.

On the other hand, this policy aligns with the principle of empowerment in gender equality theory, as it encourages men to develop critical awareness of the social and economic impacts of having more children than the family can support. In the context of impoverished families, male participation through vasectomy functions not only as population control but also as a moral responsibility toward the family's welfare, the spouse's health, and the future of the children. Furthermore, equal responsibility between husband and wife in the context of birth control embodies the principle of *al-musawah fi al-taklif*, meaning equality in bearing moral, social, and religious responsibilities before Allah SWT. This principle emphasizes that ethical and legal obligations in Islam are not differentiated by gender but by an individual's capacity and responsibility toward collective welfare. Thus, Islam does not position women as the sole bearers of reproductive consequences or household management burdens. On the contrary, men share equal responsibility in maintaining the continuity of family life and ensuring fair and sustainable social welfare.

Finally, both approaches reflect a transformation from the classical understanding of family *fiqh* toward a more egalitarian interpretation of *maqasid al-shari'ah*, in which the balance of gender roles is no longer based on biological form or hierarchy but on considerations of moral rationality and collective welfare. Thus, the vasectomy policy should not be viewed as an intervention that contravenes natural disposition (*fitrah*), but rather as an ethical strategy that promotes fair role-sharing, equality of responsibility, and the optimization of the family's function as an empowered and welfare oriented social unit.

## CONCLUSION

This study affirms that the discourse on vasectomy as a prerequisite for receiving social assistance can be ethically evaluated through the framework of *maqasid al-shari'ah*. At the level of *daruriyyat*—particularly *hifz al-nafs* and *hifz al-mal*—such a policy has the



potential to bring about public benefit, including reducing health risks associated with repeated pregnancies and strengthening the economic stability of low – income families. Thus, birth – control policies grounded in urgent needs and aimed at public welfare can be compatible with the fundamental objectives of the Sharī'ah. Theoretically, this study emphasizes that *maqasid al-shari'ah* is concerned not only with the protection of biological life but also with promoting social justice and gender equality. Encouraging men's involvement through vasectomy reinforces the principle of shared reproductive responsibility and addresses gender imbalances within family – planning programs. The integration of *maqāṣid* analysis with gender – justice perspectives constitutes a significant contribution to contemporary Islamic legal discourse. Practically, this study recommends that any policy linking reproductive health to social – assistance eligibility be designed with caution, ensuring the absence of coercion, guaranteeing informed consent, and upholding human dignity. Such policies must prioritize welfare enhancement rather than imposing restrictive or repressive control. Future research may expand this analysis through empirical studies on public perception, evaluations of policy impact, or comparative analyses with other Muslim majority countries. These efforts will enrich the understanding of how *maqāṣid* can inform the formulation of ethical public policies within complex socio – economic contexts.

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