



Samarah: Jurnal Hukum Keluarga dan Hukum Islam
Volume 6 No. 2. July-December 2022
ISSN: 2549 – 3132; E-ISSN: 2549 – 3167
DOI: 10.22373/sjkh.v6i2.12936

Betawi Ulama's Perception of The XXI Century Against Contraception Law Controversy in Population Control

Aida Humaira

UIN Syarif Hidayatullah Jakarta

Muh. Fudhail Rahman

UIN Syarif Hidayatullah Jakarta

Andi Yaqub

Institut Agama Islam Negeri Kendari

A. Zamakhsyari Baharuddin

Sekolah Tinggi Agama Islam Negeri Majene

Nurul Adhha

Institut Teknologi Sumatera

Email: aida.humaira@uinjkt.ac.id

Abstract: Legal issues regarding contraception and population control efforts to limit births and reduce overcrowding have not been without controversy. Differences in using *naqli* arguments and scientific, medical, and even political arguments make the discourse on family planning still hotly debated. This research will identify how the Betawi Ulama's response in the XXI century to the law on the use of contraceptives and birth control through population control, along with the arguments and legal methods, they used to analyze the factors behind it and collect theoretical and empirical data related to social impacts/implications, from the Betawi Ulama's response to enacting the law on contraception and population control. The conclusion of this study will explain the positions, thoughts, and religious perspectives of Betawi Ulama in understanding various problems of Islamic law. Tend to think that is exclusive, inclusive, or moderate, especially in addressing the controversies of family planning law? This study took the capital city of DKI Jakarta as the sampling location, considering that the densest population in the country is in Jakarta, and it is very heterogeneous in terms of diversity and community characteristics. Population census data in 2010 shows that the capital city of DKI Jakarta is the largest city with the most populous population in Indonesia, around 9.6 million people. This research uses logical thinking, analysis with logic, induction, deduction, analogy, comparison and the like. The data in this study will be obtained through observation techniques, in-depth interviews with resource persons, and documentation.

Keywords: Betawi ulama, contraception, population control, family planning, Islamic law.

|| Submitted: March 24, 2022 || Accepted: December 25, 2022 || Published: December 31, 2022

Abstrak: *Persoalan hukum penggunaan kontrasepsi dan upaya kontrol populasi untuk membatasi kelahiran dan mengurangi kepadatan penduduk yang overload hingga saat ini tidak lepas dari kontroversi. Perbedaan dalam menggunakan dalil naqli dan argumentasi ilmiah, medis, bahkan politis menjadikan wacana Keluarga Berencana masih marak diperdebatkan. Penelitian ini akan mengidentifikasi bagaimana respon para Ulama Betawi abad XXI terhadap hukum penggunaan alat kontrasepsi dan pembatasan kelahiran melalui kontrol populasi beserta dalil dan metode istinbat hukum yang mereka gunakan, menganalisa faktor-faktor yang melatarbelakanginya, serta mengumpulkan data teoritis dan empiris terkait dampak/implikasi sosial dari respon Ulama Betawi atas penetapan hukum kontrasepsi dan kontrol populasi. Kesimpulan dari penelitian ini akan menjelaskan posisi, pemikiran, dan cara pandang keagamaan Ulama Betawi dalam memahami berbagai problematika hukum Islam. Apakah memiliki kecenderungan pemikiran yang eksklusif, inklusif, ataukah moderat, khususnya dalam menyikapi kontroversi hukum KB. Penelitian ini mengambil ibukota DKI Jakarta sebagai lokasi sampling, mengingat bahwa jumlah penduduk yang terpadat di tanah air ada di Jakarta, dan sangat heterogen dari sisi keragaman dan karakteristik masyarakatnya. Data sensus penduduk tahun 2010 menunjukkan bahwa ibukota DKI Jakarta merupakan kota besar dengan jumlah penduduk terpadat di Indonesia, yaitu sekitar 9,6 juta jiwa. Penelitian ini menggunakan pemikiran logis, analisa dengan logika, dengan induksi, deduksi, analogi, komparasi dan sejenisnya. Data dalam penelitian ini akan diperoleh melalui teknik observasi, wawancara mendalam dengan narasumber, dan dokumentasi.*

Kata Kunci: *Ulama betawi, kontrasepsi, kontrol populasi, keluarga berencana, hukum islam.*

Introduction

Population explosion is a necessity that has implications for all aspects of life. Demographic discourse is viewed from a practical understanding of population control with the ability to use contraception to the decision not to have children, popularly known as *free children*. The planned generation¹ Furthermore, contraception intersects with economic

¹ Mohd Kalam Daud, 'Program Generasi Berencana BKKBN Provinsi Aceh Dan Korelasinya Dengan Adat Beguru Dalam Masyarakat (Studi Kasus Di Kecamatan Kutapanjang Kabupaten Gayo Lues)', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 1, no. 1 (2017), p. 148–73, <https://doi.org/10.22373/sjhk.v1i1.1574>.

development, human rights, and health problems for both women and men.² Birth control³ It is also a fundamental indicator of empowerment and population management, described as the progress of civilization.

Anomaly when pro-contraception rhetoric around the world with anti-contraception religious traditions is confronted. The gap shows the problem between the infiltration of government programs in the religious space and cultural background affecting the use of contraception, as well as differentiation in the view of Ulama as authoritative figures. The dynamic space of society and the development of operational terminology is only an expression of the internal juridical dynamics.⁴ Therefore, revealing the institution's logical framework and Ulama's views become urgent.

Communication and collaboration between the National Population and Family Planning Agency (BKKBN) and Ulama is the key to optimizing the Family Planning (KB) program because some Muslims still consider the Family Planning program to be against the teachings of Islam. It cannot be separated from the background of religious understanding, scholarship, social and political organizations, or each ulama's ethnic/regional origin.⁵ Some moderate scholars allow it under certain conditions, provided it does not cause a significant reduction in the Muslim population. These include protecting maternal health, preventing transmission of offspring and infectious diseases, protecting women from the risk of pregnancy, avoiding economic difficulties, and protecting babies from negative impacts on the

² Wade M. Cole et al., 'Conceiving of Contraception: World Society, Cultural Resistance, and Contraceptive Use, 1970-2012', *International Journal of Environmental Research and Public Health* 18, no. 22 (2021), p. 1394–1431, <https://doi.org/10.3390/ijerph182211892>.

³ Syarifah Rahmatillah and Nurlina, 'Pencegahan Perkawinan Di Bawah Umur (Analisis Terhadap Lembaga Pelaksana Instrumen Hukum Di Kec. Blangkejeren Kab. Gayo Lues)', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 2, no. 2 (2018): 465–84, <https://doi.org/10.22373/sjhk.v2i2.4748>.

⁴ Harry Bruinius, 'Better for All the World: The Secret History of Forced Sterilization and America's Quest for Racial Purity', *Choice Reviews Online* 44, no. 06 (February 2007): 44–3569, <https://doi.org/10.5860/CHOICE.44-3569>; Elizabeth Lanphier and Elizabeth Lanphier, 'A Problem of Self-Ownership for Reproductive Justice.', *Cambridge Quarterly of Healthcare Ethics* 30, no. 2 (2021): 312–27, <https://doi.org/10.1017/s0963180120000869>.

⁵ Marcoes-Natsir et al., *Peta Pandangan Keagamaan Tentang Keluarga Berencana (Hasil Penelitian Lapangan Yayasan Rumah Kita Bersama Di Jakarta, Bogor, Cirebon, Yogyakarta, Surakarta Dan Malang)* (Bekasi, Jawa Barat: Yayasan Rumah Kita Bersama, 2013), p. 43–44.

quality of breast milk due to new pregnancies.⁶ Ulama figures act as *opinion leaders* and *gatekeepers* in interpreting messages from the family planning program into the view of the Islamic law that is proclaimed to the community.⁷ Implementing the Family Planning program, considered quite successful, cannot be separated from the role and support of religious and community leaders.

Studies on contraception and social control only focused on health,⁸ human rights,⁹ socio-cultural,¹⁰ And the position in Islamic law (*fiqh*).¹¹ It has not been found that it explicitly contains the views of scholars as a response to the understanding of the text and the understanding of reality as well as the legal intent of using contraceptives. If we look more deeply, previous research has only examined the text related to the basis of use and has not touched on the link between texts and contexts within the framework of *family welfare*. In particular, the study of Betawi Ulama only focuses on the role of Betawi Ulama in the fields of history and education. Specific

⁶ Dariusch Atighetchi, *Islamic Bioethics: Problems and Perspectives* (Italy: Springer, 2008), 82; Husein Muhammad, Foreword in Mukti Ali El-Qum and Roland Gunawan, *Siapa Bilang KB Haram? (Menolak Pandangan Kelompok Islam Fundamentalists Tentang Larangan KB*, 1st ed. (Bekasi: Yayasan Rumah Kita Bersama, 2013), p. XVIII.

⁷ Latif Ahmad Fauzan, 'Peran Ulama Melalui Komunikasi Dua Tahap Dalam Program Keluarga Berencana, Studi Deskriptif Kualitatif Dalam Program BKKBN Di Pondok Pesantren Al-Mahalli Brajan Wonokromo Pleret Bantul Yogyakarta' (UIN Sunan Kalijaga Yogyakarta, 2014), p. 54.

⁸ Jessica L Liddell and Sarah G Kington, "'Something Was Attacking Them and Their Reproductive Organs': Environmental Reproductive Justice in an Indigenous Tribe in the United States Gulf Coast", *International Journal of Environmental Research and Public Health* 18, no. 666 (2021): 1–17, <https://doi.org/10.3390/ijerph18020666>.

⁹ A. Kumedi Ja'far and Agus Hermanto, 'Reinterpretation Of The Rights And Duties Of Contemporary Husbands And Wives', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 2 (2021): 648–67, <https://doi.org/10.22373/sjkh.v5i2.9124>; Paige Whaley Eager, 'From Population Control to Reproductive Rights: Understanding Normative Change in Global Population Policy (1965–1994)', *Global Society*, 2004, <https://doi.org/10.1080/1360082042000207483>; Mary Ziegler, 'From Reproductive Rights to Reproductive Justice', *The Oxford Handbook of Feminism and Law in the United States*, 2021, <https://doi.org/10.1093/oxfordhb/9780197519998.013.28>.

¹⁰ Olga Ulybina, 'Explaining the Cross-National Pattern of Policy Shift toward Childcare Deinstitutionalization', *International Journal of Sociology* 52, no. 2 (2022): 128–55, <https://doi.org/10.1080/00207659.2022.2031488>.

¹¹ Marie-Pierre Arrizabalaga, 'Maya Shatzmiller, Her Day in Court: Women's Property Rights in Fifteenth-Century Granada. (Harvard Series in Islamic Law.) (Cambridge, Mass.: Harvard University Press, 2007.) Pages X+277. £18.95.', *Continuity and Change* 24, no. 2 (2009): 389–90, <https://doi.org/DOI: 10.1017/S0268416009007115>.

studies on the thoughts, views, and responses of Betawi Ulama in the field of Islamic law are still very minimal.

This study aims to examine the perceptions of the Betawi Ulama in the XXI century regarding the controversy over the contraceptive law and population control in the DKI Jakarta area to fill the existing research gaps. The heterogeneous background of the people of the capital city is interesting to explore more deeply on the text basis, thinking style, and orientation of Betawi Ulama in expressing their opinion both in limited community spaces and in public spaces. This research is necessary because it describes the basic perception of the Betawi Ulama in the XXI century on the law on the use of contraceptives and birth control through population control, along with the arguments and legal methods of *istinbāt* they use; reveals the factors behind the response of Betawi Ulama, and take an inventory of the forms of views that have been conveyed to the general public or society.

This qualitative-naturalistic research uses inductive and *verstehen* as well as descriptive and narrative presentations. Primary data sources were obtained through interviews with 4 (four) Betawi Ulama and Betawi sons and daughters, alumni of well-known universities both at home and abroad, who have Islamic solid scientific integrity and have taken part in da'wah and community service, as a representation from the Betawi scholars of the XXI century. Thus, this research can contribute to the scope of conceptual and empirical studies on the perception of ulama, who are domiciled as legal advice or fatwas that become the reference for the people in practical religious and social practices. Empirically, this study projects a value construction from the perception and response of XXI century Betawi Ulama regarding the controversy over the use of modern contraceptives and population control. These values also adopted colour and shaped the moderate thinking of the community as the government's solution to population control in Indonesia.

Betawi Ulama's Acceptance of the Use of Contraceptives in Population Control

Humans as trustees on earth are given authority with free will within the framework of responsibility. Management and utilization schemes by humans have the potential to exceed limits so that equity and justice cannot be achieved, one of which is indicated by a population explosion that can impact meeting needs and stability. The linearity between trust and free will shows the human potential to control and regulate the population with several methods and techniques that do not injure the principle of humanity. On the surface, it seems contradictory to one of *maqāṣid*, it is *hiḏḏ al-nasl*,

and to realize the *hifz al-nasl*, it can only be done through marriage so that humans have offspring.

Concurrent Betawi Ulama against contraception is shown by setting indicators of happiness in the family based on obedience to Almighty Allah and His Messenger and contributed to his religion. In order to ensure that population control with contraception becomes the ideal alternative, value is given to the community in understanding government programs. Betawi Ulama "AS" gave acceptance by explaining that:

“A happy and prosperous family is the indicator of being physically and mentally prosperous, happy *fi al-dunyā wa al-ākhirah*. The concept of happiness in Islam is more spiritual because it is important. After all, it is the foundation for the physical well-being of *jasmāniyah wa māddiyah* (material). Economic welfare is a small part of the components that make up *family welfare*. It is not the main thing.”

A more realistic view was expressed by the Betawi Ulama "LF" by emphasizing the indicators of happiness on the socio-economic aspects, "LF" affirmed that:

“The indicators of a happy and prosperous family are economically and scientifically stable conditions, with harmonization between family members. Many or few children are not a measure of the welfare of a family. Families who do not have children also often fight and are not harmonious. Prosperity is an additional factor that supports family happiness. If prosperity has been achieved, then the harmonization will minimize conflicts in the family, and should not forget the element of prayer for the improvement of the family.”

The guarantee of happiness lies in the ability of family members to realize harmony by bringing harmony, harmony, and balance in terms of economic, educational, and religious aspects. In line with "LF", Betawi Ulama "HBS" revealed that:

“Happy and prosperous families are those who get happiness from the financial side, peace of mind, strong faith, good environment, sufficient wealth to fulfil family happiness and have a troubled family. These are factors that cannot be separated. A happy family is a family filled with the peace of mind, including a high education, environment, good religious understanding, and a good economy. It is impossible for people to be happy if they do not have good economic sufficiency.”

The Betawi Ulama "MSD" responded to another Betawi Ulama's statement that:

“A happy and prosperous family is *fi al-dunyā ḥasanah wa fi al-akhirah ḥasanah*, which in this world is material, religious knowledge, contemporary knowledge, and intellectual. A prosperous family is a family having a pious wife having children, complete with a pair of male and female or two pairs. If you cannot get a pair of children, you must keep trying.”

From the "MSD" view, several aspects need more attention, including families' need to make efforts to fulfil various types of offspring, namely boys and girls. If it has not been fulfilled, the program can add offspring to get various offspring. This view also poses a dilemma for families; the fact is that families with a large number of children are dominated by the motives for fulfilling various genders in family members.

This understanding of *family welfare* is the basis for Betawi scholars to respond to using contraception as a method and population control. The ulama's response has implications for the norms that will develop in the community, especially the Betawi Community. Ulama's perception of conformity is also based on the concept of Islamic law related to the permissibility of spacing births with consideration of *maslahah* as in his statement "AS" that:

“KB and population control in Islam are regulatory and do not stop permanently, and do not negate absolutely the health of reproductive organs, which means that when the contraceptive device is destructive, it is not justified (e.g. sterilization). KB is allowed in the sense of regulation, not restriction. The KB Regulation is in order not to damage the reproductive organs. Good contraceptives for birth control/population control: Pills and Injections. All have side effects, but please choose the one with the least side effects. So it is necessary to educate the public about the side effects of using contraceptives. There could be someone who prohibits family planning because of the dangerous side effects. The rules of fiqh are: “*Mā ubīḥa li ḥājah*” (allowed because there is a need), the level of benefit is *ḥājjiyāt*, according to the intent/need. This type of natural contraceptive has no side effects. At the same time, modern contraceptive types have side effects on health. We need an in-depth study of the side effects of these contraceptives.”

The statement "US" is a form of conformity with exceptions. It is in line with Maḥmūd Syaltūt's statement, which emphasized that family planning or efforts to prevent pregnancy temporarily or permanently are following certain situations and conditions, both for the family concerned and the interests of the community and nation.¹² The scope of this affirmation includes a) parental readiness (*planning parenthood*); this method emphasizes the responsibility of parents to form a safe, peaceful, prosperous, and happy household life by not limiting family members (*taḥdīd al-nasl*) instead using hereditary settings (*tanzīm al-nasl*); b) birth control, the application of family planning emphasizes the number of children or birth spacing according to the situation and condition of the husband and wife. Paradoxes arise with the understanding related to the permissibility of abortion in young pregnancies, treatment of menstrual cycles, infertility, and celibacy.

Allowance based on exceptions was also conveyed by the Betawi Ulama "HBS" with the view that:

“For economically vulnerable groups who cannot educate children well, family planning is allowed in these conditions. Nevertheless, if the economy has improved, then at that time, the use of contraceptives may be removed. Therefore, it is necessary to understand the community so that they can implement this family planning program according to the conditions of each individual. If a person still feels unsure of his ability to add children, then the decision returns to the individual's will. In essence, he does not agree with the family planning program, but if conditions require family planning, then it is permissible. For example, when a mother has health problems and difficulties in the birth process, the use of contraception or family planning is allowed under these conditions. If not, then there is no need for family planning. The point is that it must be adapted to the conditions at hand.”

The method or use of "HBS" tools and drugs reveals that:

A suitable method of contraception is '*azl*, following Islamic religious guidance; although this method (*'azl*) is suitable, on the

¹² Maḥmūd Syaltūt in Agus Hermanto, Rudi Santoso, and A Kumedi Ja'far, 'Family Planning Program and Its Impacts to Women's Health According to the Perspective of Islamic Law', *Proceedings of the 1st Raden Intan International Conference on Muslim Societies and Social Sciences (RIICMuSSS 2019)* 492, no. RIICMuSSS 2019 (2020): 282–88, <https://doi.org/10.2991/assehr.k.201113.053>.

other hand, its law is *makrūh*. He disagrees with artificial family planning methods, and, according to his confession, his wife also does not use contraception. However, in principle, contraceptives are allowed, as long as it is adjusted to the needs.

Betawi Ulama "MSD" added that permanent contraceptives could be used for emergency reasons, even though the fundamental law is *ḥarām*. As a form of acceptance, "MSD" calls for:

“KB in the form of *tanẓīm* is allowed; if it is in the form of *taḥdīd*, it is not allowed. For example, if you are just married, you will immediately use family planning, which is not allowed. As for emergency reasons, family planning is allowed. Currently, according to public awareness, family planning in Indonesia is still in the form of choices. Family Planning in Indonesia is a program for family welfare; planning for two children is enough. As for the type of contraception that is allowed, it can be adjusted to the mother's condition. Choose which one is suitable. As for the type of contraception that is permanent, if there is an emergency, then the law is allowed. Furthermore, the public should be made aware that the form of family planning permitted by religion is in the form of *tanẓīm*/regulations and not *taḥdīd* or permanent restrictions.”

Aspects that scholars in contraception consider are certain conditions and are based on the needs and choices of using the type of contraception. Hacking the views of Betawi Ulama in a review of Islamic law leads to legal rules that provide the permissibility and limitations of birth control. The *fiqh* rules used in contraception conformity are based on temporary restrictions (*muaqqāt*), with the condition that they can still have offspring at another time. Methods used in *tanẓīm al-nasl* include a) ‘*azl*, removing sperm (removing the penis) outside the female genitalia when going to orgasm during intercourse to prevent sperm from entering the uterus; b) using drugs and devices that can prevent pregnancy.¹³

References to the permissibility ‘*azl* by scholars are divided into four groups: a) opinions that allow ‘*azl* absolutely (*Hanafiyah* and *Mālikiyah*); b) opinions that forbid (Ibn Ḥazm); c) an opinion that allows it on the condition that it must obtain permission from the wife (*Jumhūr Ulama*); d) the opinion that allows ‘*azl* without the permission of the slave

¹³ Wahbah Az-Zuhayli, *Al-Fiqh Al-Islām Wa Adillatuhu* (Damaskus: Dār al-Fikr, 1989), p. 107.

woman (*Syāfi'iyah*).¹⁴ The tendency of the opinion of Betawi scholars regarding 'azl follows the opinion of the majority of scholars who allow it on the condition that it must obtain permission from the wife.

The active use of modern contraception by ulama is not distinguished between husband and wife as long as it does not eliminate the potential for having children or can cause children to be disabled, except for *Mālikiyah* scholars, not for husbands to take drugs to regulate the birth of children. Several reasons are justified by the majority of scholars for avoiding pregnancy: a) too many children, which makes them unable to provide a good education for their children; b) the condition of the wife is weak, which results in harm if forced to become pregnant; c) the wife is pregnant too often (fertile), thus giving her difficulties; d) worry about children being slaves because his wife is a slave; e) worried about the emergence of *muḍārāt* for children who are still in the breastfeeding period (ASI) if the mother is pregnant; f) husband is in poor condition; g) to maintain the beauty and grace of the wife for the sake of the lasting relationship of husband and wife and the life of the wife which if not maintained (because of pregnancy) the husband is worried about his mental health; h) worry about the many difficulties that befall because there are many children and so as not to be bothered in working to earn a living.¹⁵

The Betawi Ulama's compliance as a form of obedience to the government is shown by affirming that they agree with family planning; in other words, the use of contraceptives is allowed *li ḥājah (ma ubīḥa li ḥājah saddan li al-ẓarīah)*, but one day under certain conditions it can be prohibited because *sadd al-ẓarīah*. It is followed by examples and comparisons with countries that urge parents to have many children to be given incentives by the government but do not prohibit family planning. It is different only with the Betawi people who live in DKI Jakarta with a population density either by local people or the effects of urbanization.

Betawi Ulama's Negation between Family Planning and Family Welfare

The debate about family planning law also causes people's voices to be different. Because, in principle, when people encounter something that

¹⁴ Muḥammad Al-Khasyati, *Fiqh Al-Nisā' Fi Ḍaw Al-Mazāhib Al-Arba'ah Wa Al-Ijtihādāt Al-Fiqhiyyah Al-Mu'āsiroh* (Kairo: Dār al-Kitāb al-'Arabi, 1994), p. 247.

¹⁵ Abdul Hakim and Imam Syafi'i, 'Keluarga Berencana Perspektif Fiqih Empat Mazhab: Studi Analisis Tentang Tahdid Al-Nasl Dan Tandzim Al-Nasl', *Al-Maslahah: Jurnal Ilmu Syariah* 17, no. 2 (2021): 232–52, <https://doi.org/10.24260/al-maslahah.v17i2.1950>.

they doubt or do not know the law of origin, it is the fatwa or opinion of the scholars that are used as the primary reference. According to orthodox scholars, family planning is forbidden because life matters are the right of God, and humans have no right to interfere in them. God already regulates what is best for His servants and will not be cruel to His servants, including giving offspring. Humans do not need to be doubtful, anxious, or worried about living in poverty and destitution; when God has the will to give children/offspring, God will surely guarantee his life.

Various population control efforts are carried out by providing treatment or using drugs and tools that are permanent, in *fiqh* terms called *qaṭ' u al-ḥamli min aṣlihi*, the opinion of the Betawi Ulama "LF" which does not justify the use of methods or drugs/tools that are permanent:

“In general, do not agree with family planning and contraception as well as population control, unless it is directed to certain groups who cannot afford it. Why do people with good qualities have to use family planning? Moreover, this is the good intention of the government. If the mother's condition is not ready, it will fall apart. The husband's relationship is often in a narrow house, not in a house with five rooms, so the impact of a successful pregnancy is more basic.”

“According to "LF", that is only sorting out, not disagreeing with KB. If you cannot afford it, try KB, while if you can, please open it again. Argument is: “*Wa lā taqtulū awlādakum khasyyata imlāq,*” “*Wa mā min dābbatin illā ‘ala allahi rizquhā,*” and “*tazawwajū al-wadūd al-walūd.*” The explanation is that the *nawaytu*, if afraid of being poor, will enter the realm of red (close to shirk), meaning a lack of trust in Allah's sustenance; as for the good types of contraception, only use two: *inzāl* and the date method. Please use the type of contraception that is lawful, and what is prohibited is the type of permanent contraception.”

The establishment is the leading indicator, but the establishment in question is the ability of family members to maintain harmonization with consideration of *ḥifz al-nafs*. Reluctance to have offspring that is motivated by economic factors is considered to have low faith. The same thing was conveyed by the Betawi Ulama "HBS" that the sustenance of offspring is the same as fortune when studying. However, there are exceptions if the emergency and actual conditions are not engineered. Meanwhile, the Betawi

Ulama "MSD" emphasized that closing or limiting the birth of children is prohibited.

The views of the scholars used, namely Syāfi`iyah, Hanābilah, and some of the Companions, argued that *'azl* permissible but *makrūh*, this is based on the Hadith of the Prophet narrated by Južāmah bint Wahb that *'azl* is included in the category of incomplete abortion. However, the prohibition of this Hadith is only *makrūh tanzīh*. Regarding several things, Sayyid Sābiq does not allow it to be done to avoid pregnancy, including a) drugs or equipment used can cause permanent pregnancy prevention; b) the drug or equipment used contains *najs*; c) drugs or tools used to cause harm to married couples, and d) prevention of pregnancy to preserve the beauty and health of the woman for the continued pleasure of her husband and to protect her life from the risks associated with pregnancy.¹⁶

Controversy over the use of contraception is based on bad faith and the potential for abuse, so Ulama emphasized to the whole community to position this program as an option, not a recommendation. Without setting aside *'illah* from charging towards *'azl* as the best alternative, identifying problems related to the population explosion is not only an increase in the birth rate but also the government's readiness to grow and deliver the community to a better level of family welfare. The Betawi Ulama's negation is focused on the perspective of the community and the government that living with a small family guarantees family welfare and happiness. To achieve it, methods, tools, or drugs are used, which at the same time also harm health, women's rights, and global geopolitics.

The Fragmental Thoughts of Betawi Ulama against the Controversy of Contraception Law and Population Control

Social considerations, as previously stated, the husband's financial ability is a prerequisite; otherwise, the marriage is postponed. Being a responsible parent (i.e. the ability to raise children in an Islamic way and fulfil the family's social responsibilities) is required of both husband and wife. Social and economic compatibility (*kafā'ah*) is highly recommended. If two socially or economically different candidates accept or reconcile their differences, there is no problem.

The cultural justification contains the projection of the future of Islam depending on the health, intelligence, and quality of the children; legal experts have emphasized that Muslim children must be born healthy and to

¹⁶ Muḥammad Sayyid Sābiq, *Fiqh Al-Sunnah* (Kairo: Dār al-Fath li al-Īlām al-'Arabi, 2000), p. 126.

healthy mothers and must be raised properly, with adequate religious education. Children's rights must be fulfilled and require a relatively significant investment from parents. Ulama, especially the Hanafi School, consider the period of religious decline (*fasād al-zamān*) not only a reason to use contraception (reducing the number of children) but also a reason enough to do it without the wife's consent.¹⁷ These principles colour the pattern of interpretation of the Betawi Ulama is based on the socio-cultural segment of the Betawi community and residents of DKI Jakarta.

The tendency of Betawi scholars to respond to the controversy over family planning laws and population control requires mapping because of their educational and socio-cultural backgrounds. The patterns of thought are varied and dynamic, so the views of Betawi Ulama cannot be generalized. In general, the Betawi Ulama's perception of modern contraception and population control tends to be tolerant and choose the method or treatment in family planning as an alternative. The Betawi Ulama "LF" in their missionary content provides a logical explanation so that the congregation can understand and accept it and then complete it with *syara'* arguments. "LF" suggests that people who can afford it do not need to use contraception, while those who cannot, please use the suitable one for birth control purposes. Given the educational background of the Betawi Ulama "LF" as an alumnus of Damascus and Jordan with a concentration of hadith scholarship and with a considerable influence on his thoughts from the family of prominent Betawi ulama and teachers who are Betawi people, the position of "LF" thinking style is more moderate.

It is similar to the Betawi Ulama "MSD" as alumni of undergraduate to doctoral degrees at Al-Azhar University in Cairo with a concentration that is perceived as Islamiyah tends to be moderate by emphasizing that currently, Betawi Ulama tend to be moderate. However, it is also undeniable that there are Betawi Ulama who still adhere to religious traditions with fanatics. Fanaticism in terms of *uṣhūl* or principal is a must (*ṣawābit*); it is not *mutagayyirāt*. The need to be space for such views because attaching the label of extreme is an attitude that is not moderate.

According to "MSD", the views of Betawi Ulama are fanatical or traditional. They tend to forbid the use of contraception to open themselves up to contemporary issues and prioritize maintaining national unity and integrity. The works of Betawi Ulama are still very minimal; while they are

¹⁷ Abdel Rahim Omran, *Family Planning in the Legacy of Islam, Family Planning in Islam* (London and New York: Routledge, 2012), <https://doi.org/10.4324/9780203167977>.

in the midst of a multicultural society, efforts to open up as part of understanding the thoughts of other groups and issues that develop around life in the capital city. The implications of the presence and role of Betawi Ulama in the local and regional context are already visible. However, they need acceleration and an increased role in the national sphere, said the Betawi Ulama "AS".

A different response was shown by the Betawi Ulama "HBS" with an educational background in hadith science at Medina and Oman educational institutions. They stated that they disagreed with KB. However, if people under certain conditions need family planning, they are welcome to use family planning. According to him, Betawi people lack a good understanding of the importance of higher education. They need to be given a good understanding of this, and sometimes Betawi people are a bit lazy and lack competitiveness. Feel comfortable in your area, so you are satisfied with the situation. The principle of the Betawi people is to eat, not eat; the important thing is to gather. This understanding must be changed so the Betawi people can be more advanced.

In addition, the demographic justification in the cultural records can be traced through the term "*pameo*" (many children have much sustenance). Betawi scholars direct the slogan to the spirit to develop offspring, both in quantity and quality. The ulama's argument equates to quality and quantity because each offspring sustains itself. The proof is in the word of Allah SWT: "*Wa mā min dābbatin illa 'ala allahi rizqahā.*" Some families have many children but are also prosperous. Some have few children, but their economic life is also tricky and insufficient. It means there is no welfare guarantee with the number of children in a family.

The fragmental thinking of ulama in responding to the use of contraception, apart from educational and socio-cultural backgrounds, is also influenced by the activities of community organizations such as MUI, NU, Muhammadiyah, MIUMI, HTI, and Salafis. A series of organizational views become part of the views held and continue to be conveyed to the public. The following are some views of religious organizations, which are divided into three groups: a) Moderate Islamic groups (MUI, NU, and Muhammadiyah); b) Local Islamic groups (MIUMI); c) the Orthodox Islamic group.

The differences in family planning law also occur among fatwa institutions in Indonesia. Some of them stated that the family planning law is flexible, depending on the legal '*illah*. The Nahdlatul Ulama Ulama Fatwa, known in its *Bahṣ al-Masā'il*, states that if using '*azl* or with a device that prevents semen from reaching the uterus, such as kopacis/condoms, then the

law is *makrūh*. Likewise, for women who use something (such as contraceptives) to space out pregnancies, the law is *makrūh*. It is illegal to cut off your lineage.¹⁸

And when in an emergency 'azl is legal, according to the *Qawāid fiqhiyyah*,¹⁹ which is read:

إذا تعارض مفسدتان روعي أعظمها ضررا بارتكاب أخفها

"If there are two dangers that threaten each other, watch out for the greater danger by carrying out the least dangerous."

Regarding the law on the use of the IUD/spiral, because the insertion method is to see the large genitalia ('*awrah mugallaḥah*), then it is *ḥarām*. Therefore, it must have endeavoured in a way justified by law, such as being installed by her husband. The vasectomy law (MOP) is allowed because it does not include sterilization and does not physically harm the husband or cause side effects. In addition, it is proven that vasectomy can be restored by connecting the surgical canal so that reproductive function can work properly.²⁰

Furthermore, the official view of Muhammadiyah regarding contraceptive law/KB is unclear. On the one hand, they view that marriage in Islam is intended, among other things, to produce offspring and that Islam teaches to multiply offspring. However, on the other hand, they warn that the offspring should not be neglected so that they become a burden to others.²¹

The Betawi scholar "BN", one of the initiators of the founding of MIUMI, emphasized that the practice of family planning today is likened to the practice of killing children during the *jāhiliyah* period. In the past, people who killed their children or did family planning believed that increasing the number of children would reduce their parents' quota or fear poverty. It is what is happening now, but the language is Family Planning. When it was stated that family planning was intended to regulate rather than limit the number of children, "BN" assessed the difference between family planning at

¹⁸ Djamaluddin Miri, Imam Ghazali Said, and A. Ma'ruf Asrori, *Ahkamul Fuqaha, Solusi Problematika Aktual Hukum Islam, Keputusan Mukhtamar, Munas Dan Konbes Nahdlatul Ulama (1926-1999)*, 1st ed. (Surabaya: Lajnah Ta'lif Wan Nasyr Jatim dengan Penerbit Diantama, 2005), p. 292–93.

¹⁹ Alī Aḥmad Al-Nadawī, *Al-Qawāid Al-Fiqhiyyah*, 4th ed. (Damaskus: Dār al-Qalam, 1994), p. 313.

²⁰ Marcoes-Natsir et al., *Peta Pandangan Keagamaan Tentang Keluarga Berencana (Hasil Penelitian Lapangan Yayasan Rumah Kita Bersama Di Jakarta, Bogor, Cirebon, Yogyakarta, Surakarta Dan Malang)*, p. 31.

²¹ Marcoes-Natsir et al., p. 45.

the concept level and the implementation level. Although the concept of family planning emphasizes planning, its practice in the field often leads to restrictions.

Contra-paradigms emerge from scholars affiliated with Trans-National Islamic understandings, such as Hizbut Tahrir Indonesia and Salafis, who firmly reject contraception as population control. The reference used is based on international geopolitical aspects and conspiracies of Western countries. Population control efforts to suppress the growth rate of the world's Muslim population and are associated with welfare are rooted in an economic system considered liberal. The same refusal by the Salafi, but the reference used is that family planning aims to limit the number of children, which is contrary to Islamic teachings.

Betawi Ulama's Compliance with *Family Welfare*

The diversity of Betawi Ulama's perception of the law on the use of contraception and social control is reaped by the response of acceptance and negation. Perceptions in the form of acceptance by Betawi Ulama are based on the equality of husband and wife's ability to perform '*azl*, which is transformed into drugs and contraceptives. The transformation of natural contraceptives into modern intersects with health, social, and legal aspects. The health aspect is focused on mothers and children, while the social aspect is related to family welfare. It is different with the legal aspect not only containing the human rights of women and children but also the scope of the study of religiosity or the sanctity of religion.

The development of the family planning program was followed by a social control scheme filled with the essence of socio-cultural, economic development, and geopolitics. Since the shift in the understanding of population control is linked to *family planning*, it implies that only the quantity of offspring affects the quality of offspring. Determination of this indicator raises negation due to the terms limiting the number of children and birth control. This refusal is intended to suppress Islam's progress deliberately, and this view is dominated by the understanding of fundamental/orthodox Islam, educational background, and the organization involved. The perception of negation gives birth to a *family planning* that positions husband and wife doubts about having children because it is only based on economic considerations, health, and women's human rights.

This anomaly led to an effort to reconstruct an understanding of in-depth knowledge about the readiness of a husband and wife to adjust the distance between pregnancies naturally with '*azl* or meeting arrangements based on the wife's fertility cycle. The use of modern contraception is only

an option or an alternative and is not a basis for birth control, even as a breaker to having children. The issue of the demographic explosion is one of the factors in optimizing social control, but on the one hand, it is inversely proportional to efforts to increase *family welfare*.

The concept of *family welfare* is an indicator of *family planning* and is a form of misorientation. *Family welfare* in a review of Islamic law is popularly known as the *sakīnah* family. The concept of *family welfare* must be understood as a pre-wedding planning effort for family education while undergoing the household ark. A reorientation of understanding of family planning at the practical level needs to be done, considering efforts to minimize the use of drugs and devices that have side effects for a married couple.

Moving on from this paradigm, Betawi Ulama's perception of the legal controversy over the use of contraception in social control based on analysis and looking at the fragmental thinking found that it is permissible to use contraception only for specific conditions and with considerations that it will not lead to harm. Betawi scholars agree that the root of the problem of population density in the city of Jakarta is not solely caused by a large number of births and uncontrolled population growth. Urbanization is suspected to be the main factor in the population density of Jakarta, given that Jakarta is the capital city of Indonesia and the centre of government and business in this country.

So that the family planning program becomes essential as an educational program for the readiness of married couples and ensures the best preparation to give birth to the best generation. Population control is meant not to limit the number but to regulate so that weak generations are not born. This view implies that the majority of Betawi Ulama, when faced with a problem, still prioritize the achievement of benefits for humanity, according to their interests and needs—but still holding on to the *syara's* argument as God's decree for all His servants. The principles of *tawāzun* (balance), *is* (justice), and flexible and adaptive attitudes also remain the basis for viewing and responding to a phenomenon that occurs in society. Not stiff and not rigid in something that is *juz'ī* and at the same time not making something that is *uṣūl* (fundamental) easy so that the signs are violated. It is a characteristic of moderate Islamic thought which is not excessive in forbidding something and does not justify something without reasons that can be justified logically or religiously.

Conclusion

Betawi Ulama emphasized that using contraceptives and efforts to control population growth through population control efforts are legally permitted. Betawi scholars do not want the family planning program in Indonesia to be mandatory for all people. However, it is an option tailored to its acceptors' needs and beliefs. Furthermore, what is meant by KB that is allowed here is in the context of birth control, not birth restriction. Therefore, the use of contraceptives that are allowed according to Betawi Ulama is suitable for each individual, as long as they are not permanent and kill reproductive functions.

The fragmental thinking of Betawi ulama is influenced by several factors, including educational background, a community organization that is occupied, sociocultural views, and demographic justification. A typical religious understanding that tends to be moderate has begun to open itself up to the development and progress of the times—having a method of thinking, interacting, and behaving tolerantly following conditions and does not conflict with the principles of religious teachings and community traditions. Conceptual contribution to *family welfare* and policy reconstruction related to family planning programs is a priority to achieve the benefit or realize community welfare.

References

- Al-Khasyti, Muḥammad. *Fiqh Al-Nisā' Fi Ḍaw Al-Mazāhib Al-Arba`ah Wa Al-Ijtihādāt Al-Fiqhiyyah Al-Mu`āširoh*. Kairo: Dār al-Kitāb al-'Arabi, 1994.
- Al-Nadawī, Alī Aḥmad. *Al-Qawāid Al-Fiqhiyyah*. 4th ed. Damaskus: Dār al-Qalam, 1994.
- Arrizabalaga, Marie-Pierre. 'Maya Shatzmiller, Her Day in Court: Women's Property Rights in Fifteenth-Century Granada. (Harvard Series in Islamic Law) (Cambridge, Mass.: Harvard University Press, 2007) Pages X+277. £18.95.' *Continuity and Change* 24, no. 2 (2009): 389–90. <https://doi.org/DOI: 10.1017/S0268416009007115>.
- Atighetchi, Dariusch. *Islamic Bioethics: Problems and Perspectives*. Italy: Springer, 2008.
- Az-Zuḥayli, Wahbah. *Al-Fiqh Al-Islām Wa Adillatuhu*. Damaskus: Dār al-Fikr, 1989.
- Bruinius, Harry. 'Better for All the World: The Secret History of Forced Sterilization and America's Quest for Racial Purity'. *Choice Reviews Online* 44, no. 06 (February 2007): 44–3569.

<https://doi.org/10.5860/CHOICE.44-3569>.

- Cole, Wade M., Claudia Geist, Adnan Muhammad Shah, Kangyoon Lee, Javaria Nisa Mir, and George W. Barclay. 'Conceiving of Contraception: World Society, Cultural Resistance, and Contraceptive Use, 1970-2012'. *International Journal of Environmental Research and Public Health* 18, no. 22 (2021): 1394–1431. <https://doi.org/10.3390/ijerph182211892>.
- Daud, Mohd Kalam. 'Program Generasi Berencana BKKBN Provinsi Aceh Dan Korelasinya Dengan Adat Beguru Dalam Masyarakat (Studi Kasus Di Kecamatan Kutapanjang Kabupaten Gayo Lues)'. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 1, no. 1 (2017): 148–73. <https://doi.org/10.22373/sjhk.v1i1.1574>.
- Eager, Paige Whaley. 'From Population Control to Reproductive Rights: Understanding Normative Change in Global Population Policy (1965–1994)'. *Global Society*, 2004. <https://doi.org/10.1080/1360082042000207483>.
- El-Qum, Mukti Ali, and Roland Gunawan. *Siapa Bilang KB Haram? (Menolak Pandangan Kelompok Islam Fundamentalis Tentang Larangan KB*. 1st ed. Bekasi: Yayasan Rumah Kita Bersama, 2013.
- Fauzan, Latif Ahmad. 'Peran Ulama Melalui Komunikasi Dua Tahap Dalam Program Keluarga Berencana, Studi Deskriptif Kualitatif Dalam Program BKKBN Di Pondok Pesantren Al-Mahalli Brajan Wonokromo Pleret Bantul Yogyakarta'. UIN Sunan Kalijaga Yogyakarta, 2014.
- Hakim, Abdul, and Imam Syafi'i. 'Keluarga Berencana Perspektif Fiqih Empat Mazhab: Studi Analisis Tentang Tahdid Al-Nasl Dan Tadzim Al-Nasl'. *Al-Maslahah: Jurnal Ilmu Syariah* 17, no. 2 (2021): 232–252. <https://doi.org/10.24260/al-maslahah.v17i2.1950>.
- Hermanto, Agus, Rudi Santoso, and A Kumedi Ja'far. 'Family Planning Program and Its Impacts to Women's Health According to the Perspective of Islamic Law'. *Proceedings of the 1st Raden Intan International Conference on Muslim Societies and Social Sciences (RIICMuSSS 2019)* 492, no. RIICMuSSS 2019 (2020): 282–288. <https://doi.org/10.2991/assehr.k.201113.053>.
- Ja'far, A. Kumedi, and Agus Hermanto. 'Reinterpretation Of The Rights And Duties Of Contemporary Husbands And Wives'. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 2 (2021): 648–667. <https://doi.org/10.22373/sjhk.v5i2.9124>.
- Lanphier, Elizabeth, and Elizabeth Lanphier. 'A Problem of Self-Ownership for Reproductive Justice.' *Cambridge Quarterly of Healthcare Ethics*

- 30, no. 2 (2021): 312–327.
<https://doi.org/10.1017/s0963180120000869>.
- Liddell, Jessica L, and Sarah G Kington. ““Something Was Attacking Them and Their Reproductive Organs”: Environmental Reproductive Justice in an Indigenous Tribe in the United States Gulf Coast’. *International Journal of Environmental Research and Public Health* 18, no. 666 (2021): 1–17. <https://doi.org/10.3390/ijerph18020666>.
- Marcoes-Natsir, Lies M, Lanny Octavia, Erni Agustini, Mukti Ali El-Qum, and Amanah Nurish. *Peta Pandangan Keagamaan Tentang Keluarga Berencana (Hasil Penelitian Lapangan Yayasan Rumah Kita Bersama Di Jakarta, Bogor, Cirebon, Yogyakarta, Surakarta Dan Malang)*. Bekasi, Jawa Barat: Yayasan Rumah Kita Bersama, 2013.
- Miri, Djamaluddin, Imam Ghazali Said, and A. Ma’ruf Asrori. *Ahkamul Fuqaha, Solusi Problematika Aktual Hukum Islam, Keputusan Mukhtar, Munas Dan Konbes Nahdlatul Ulama (1926-1999)*. 1st ed. Surabaya: Lajnah Ta’lif Wan Nasyr Jatim dengan Penerbit Diantama, 2005.
- Omran, Abdel Rahim. *Family Planning in the Legacy of Islam. Family Planning in the Legacy of Islam*. London and New York: Routledge, 2012. <https://doi.org/10.4324/9780203167977>.
- Rahmatillah, Syarifah, and Nurlina. ‘Pencegahan Perkawinan Di Bawah Umur (Analisis Terhadap Lembaga Pelaksana Instrumen Hukum Di Kec. Blangkejeren Kab. Gayo Lues)’. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 2, no. 2 (2018): 465–484. <https://doi.org/10.22373/sjhc.v2i2.4748>.
- Sābiq, Muḥammad Sayyid. *Fiqh Al-Sunnah*. Kairo: Dār al-Fath li al-Ġlām al-’Arabi, 2000.
- Ulybina, Olga. ‘Explaining the Cross-National Pattern of Policy Shift toward Childcare Deinstitutionalization’. *International Journal of Sociology* 52, no. 2 (2022): 128–155. <https://doi.org/10.1080/00207659.2022.2031488>.
- Ziegler, Mary. ‘From Reproductive Rights to Reproductive Justice’. *The Oxford Handbook of Feminism and Law in the United States*, 2021. <https://doi.org/10.1093/oxfordhb/9780197519998.013.28>.