

## Egg Freezing in Islamic Law: A Study on Its Relevance to the Concept of the *Maṣlahah* Family in Muslim Society

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### Abstract

The advancement of reproductive technologies offers new opportunities for women in planning pregnancy, one of which is egg freezing. Originally developed for medical purposes – particularly for women undergoing chemotherapy – egg freezing has since been adopted for non-medical reasons such as career planning or the absence of a suitable partner. This shift has sparked ethical, legal, and religious debates, especially within Muslim communities that adhere to *sharī'ah*-based principles. This study aims to explore the permissibility and implications of egg freezing in Islamic law and to assess its compatibility with the concept of the *maṣlahah* family. Employing a qualitative methodology with a library research approach, this research draws on primary sources (*Qur'an*, *ḥadīth*, classical *fiqh*, and contemporary *fatwas*), as well as secondary and tertiary literature. The analysis is framed through the lens of *maqāṣid al-sharī'ah* and the ethical foundations of the *maṣlahah* family. The findings indicate that egg freezing may be deemed permissible under Islamic law if specific conditions are met – particularly that fertilization occurs within a lawful marriage and safeguards are in place to prevent lineage confusion. When aligned with Islamic values, egg freezing can contribute to responsible reproductive planning and psychological preparedness, enhancing the realization of a *maṣlahah* family. However, concerns remain regarding commercialization, socio-economic inequality, and technological dependency. These challenges highlight the need for robust regulatory frameworks and value-based education to guide ethical application.

## INTRODUCTION

In today's advanced era, marked by rapid and unprecedented technological evolution, a comprehensive understanding of the scope and depth of such progress is not only beneficial but essential.<sup>1</sup> One of the most significant developments in reproductive technology is egg freezing, a method that allows women to preserve their eggs for future use. Initially introduced as a medical solution for women undergoing high-risk treatments such as chemotherapy and radiotherapy,<sup>2</sup> egg freezing is now also utilized by women for non-medical reasons, including career pursuits, continued education, or the absence of a suitable partner.

The practice of egg freezing has gained public attention, particularly following its adoption by several Indonesian celebrities such as Luna Maya, Wulan Guritno, and Selvi Kitty. This trend has sparked debates not only in medical and ethical domains but also within the framework of Islamic law. Islam, as a religion that governs all aspects of life, has a distinctive perspective on reproductive technologies. Interventions in human reproduction must be approached with caution to ensure adherence to the principles of sharia. Monitoring advancements in reproductive technology is part of the effort to safeguard one of the five primary objectives of *maqāṣid al-sharī'ah*, namely the preservation of progeny (*hifẓ al-nasl*), as the ultimate aim of Islamic legal rulings is to promote human well-being in both worldly and spiritual dimensions.<sup>3</sup>

Within the context of Indonesian society, where the majority is Muslim, discussions around egg freezing are increasingly relevant, especially in relation to evolving social dynamics and Islamic family values. This aligns with the concept of a *maṣlaḥah*-based family—one characterized by justice, balance, moderation, tolerance, moral integrity (*akhlāq karīmah*), harmony (*sakīnah*), affection (*mawaddah*), and mercy (*rahmah*), with a commitment to contribute positively to the social and natural environment in accordance with the ideal of Islam as a *rahmatan lil-'ālamīn*.<sup>4</sup> Thus, this concept provides a foundational lens through which reproductive innovations should be understood.

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<sup>1</sup> Mochamad Heru Riza Chakim and Ade Arya Bimantara, "Kemajuan Teknologi Di Abad 21: Perubahan Perspektif," *ADI Pengabdian Kepada Masyarakat* 4, no. 1 (2023): 40–45, <https://doi.org/10.34306/adimas.v4i1.1036>.

<sup>2</sup> Upik Anggraheni Priyambodo, "Egg Freezing: Teknologi Untuk Menyimpan Cadangan Sel Telur Berkualitas," Rumah Sakit Pondok Indah Group, 2024.

<sup>3</sup> Arif Hidayat, "Problematika Bayi Tabung Menurut Fiqih Kontemporer," *Proceeding IAIN Batusangkar* 1, no. 1 (2022): 669–74.

<sup>4</sup> Khotimatul Husna, "Kajian Dalalah Dalam Perspektif Relasi Kesalingan Suami Istri Menurut Konsep Keluarga Masalah Nahdlatul Ulama," *DIKTUM: Jurnal Syariah Dan Hukum* 20, no. 2 (2022): 323–36, <https://doi.org/10.35905/diktum.v20i2.3633>.

Previous studies on egg freezing, such as those by Firzza Shafira Rizkiyana (2023), who examined the practice through the lens of *maqāṣid al-sharī'ah*<sup>5</sup> and Diah Ayu Isnaeni (2024), who explored its legal status from both Islamic and positive law perspectives, have primarily focused on classical *fiqh* or contemporary fatwas.<sup>6</sup> However, these works rarely link the issue to the current sociological dynamics of Muslim families, particularly within the framework of the *maṣlaḥah* family concept. On the other hand, studies on *maṣlaḥah* families, such as those by Fathan Nahdly Fairuzy (2024)<sup>7</sup> and Muhammad Hafidh Ubaidillah et al. (2024),<sup>8</sup> tend to focus on the application of ideal family values in the context of Nahdlatul Ulama, without addressing the influence of modern reproductive technologies like egg freezing.

The novelty of this research lies in its articulation of Islamic legal analysis on egg freezing in conjunction with the *maṣlaḥah* family concept as an ethical-sociological indicator. This approach clearly demonstrates that reproductive technologies must not only comply with sharia but also contribute meaningfully to the formation of families grounded in *sakīnah*, *mawaddah*, *rahmah*, and social welfare. Therefore, this study offers a more holistic and applicable framework for understanding egg freezing within contemporary Muslim family life.

The objective of this study is to conduct an in-depth examination of egg freezing from the perspective of Islamic law and assess its relevance to the *maṣlaḥah* family concept. This research is crucial for providing a comprehensive and contextual understanding of egg freezing, particularly for Muslim communities navigating the dilemma between practical needs and religious commitments. The study will not only analyze the legal foundations of egg freezing based on classical *fiqh* and contemporary fatwas but also explore the concept of *maṣlaḥah* in family life and how egg freezing may serve as a means to either achieve or contradict it. Ultimately, this research aims to contribute significantly to the discourse on Islamic bioethics and serve as a reference for academics, healthcare practitioners, and the broader Muslim community in understanding the boundaries and potential of reproductive technologies in accordance with Islamic teachings.

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<sup>5</sup> Firzza Shafira Rizkiyana, "Tinjauan Maqashid Syariah Tentang Pembekuan Sel Telur Manusia (Egg Freezing)," *Jurnal Riset Hukum Keluarga Islam*, 2023, 29–34, <https://doi.org/10.29313/jrhki.vi.1938>.

<sup>6</sup> Diah Ayu Isnaeni, "Hukum Pembekuan Sel Telur Wanita (Egg Freezing / Oocyte Cryopreservation) Dalam Perspektif Hukum Islam Dan Hukum" (UIN Syarif Hidayatullah Jakarta, 2024).

<sup>7</sup> Fathan Nahdly Fairuzy, "Implementasi Keluarga Masalah Di Kalangan Keluarga Nahdlatul Ulama (NU) Kecamatan Situraja (Studi Analisis Di Majelis Wakil Cabang Nahdlatul Ulama (MWCNU) Kecamatan Situraja)." (Universitas Islam Negeri Sunan Gunung Djati Bandung, 2024).

<sup>8</sup> Muh Hafidh Ubaidillah et al., "Keluarga Masalah Dalam Platform NU Online Perspektif Maqasid Al-Shari'ah," *Ma'mal: Jurnal Laboratorium Syariah Dan Hukum* 5, no. 2 (n.d.): 150–166.

## METHOD

This research employs a qualitative method using a library research approach, in which data is collected from various informational sources such as books, articles, academic journals, online media, and other relevant documents.<sup>9</sup> This approach is deemed suitable given the nature of the study, which examines egg freezing, Islamic law, and the concept of *maṣlaḥah*-based families – topics that require a thorough exploration of normative and theoretical sources, including classical fiqh texts, scholarly fatwas, governmental regulations, and academic literature.

Data collection is carried out through an extensive review of diverse types of literature, comprising both primary and secondary sources. Primary sources include the Qur'an, ḥadīth, classical fiqh texts, and contemporary fatwas (e.g., those issued by Dār al-Iftā' al-Miṣriyyah). Secondary sources consist of modern reference books, peer-reviewed journal articles, health-related publications, Indonesian statutory regulations, official documents from religious institutions, and supplementary materials such as indirect interview data in the form of public statements or quotations from individuals who have undergone egg freezing (e.g., Luna Maya, Wulan Guritno, and Selvi Kitty), as reported by digital media outlets and analyzed as socio-cultural data.

The data analysis technique employed is descriptive-analytical, beginning with an exposition of the concept of egg freezing from various perspectives – medical, social, and Islamic legal. This is followed by an analytical phase in which the issue is assessed through the lens of *maqāṣid al-sharī'ah* and the *maṣlaḥah* family framework. The researcher classifies the data according to the levels of legal necessity (*darūriyyāt*, *ḥājjiyyāt*, *taḥsīniyyāt*), then evaluates its relevance and ethical implications for the establishment of *maṣlaḥah*-oriented families within Muslim communities. In addition, a comparative analysis is conducted using authoritative fatwas, such as those issued by the Indonesian Council of Ulama (Majelis Ulama Indonesia, MUI) and other comparable institutions like Dār al-Iftā' al-Miṣriyyah, in order to examine similarities and differences in views on egg freezing and to assess their alignment with the concept of public interest (*maṣlaḥah*).

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<sup>9</sup> Agus Susilo Saefullah, "Ragam Penelitian Kualitatif Berbasis Kepustakaan Pada Studi Agama Dan Keberagamaan Dalam Islam," *Al-Tarbiyah: Jurnal Ilmu Pendidikan Islam* 2, no. 4 (2024): 195–211, <https://doi.org/10.59059/al-tarbiyah.v2i4.1428>.

## RESULT AND DISCUSSION

### 1. The Basic Concept of Egg Freezing

Egg freezing is a reproductive technology that allows women to preserve their oocytes (eggs) for future use in assisted reproductive procedures with a lawful spouse.<sup>10</sup> Historically, egg freezing was initially developed as a medical solution for women diagnosed with cancer who needed to undergo chemotherapy, which may damage the ovarian reserve and diminish future fertility potential.<sup>11</sup> However, over time, the application of this technology has expanded beyond its original medical purpose, driven by various medical and non-medical factors, such as:<sup>12</sup>

- a. Unmarried women approaching an age where egg quality and quantity begin to decline significantly;
- b. Women undergoing medical treatments such as radiation or chemotherapy that reduce fertility;
- c. Women with severe endometriosis who are unmarried or not ready for pregnancy;
- d. Women diagnosed with polycystic ovary syndrome (PCOS);
- e. Women diagnosed with premature menopause;
- f. Married or unmarried women who wish to delay pregnancy due to personal reasons—such as psychological readiness, physical and emotional maturity, financial stability, or social motivations including pursuing higher education or career advancement..

Several Indonesian celebrities have publicly disclosed their decision to undergo egg freezing, bringing widespread public attention to the practice. These include:

- a. Luna Maya

In a YouTube interview on *Venna Melinda Channel* (14 January 2022), actress Luna Maya revealed that she had undergone egg freezing, expressing that it had been a long-held personal aspiration.<sup>13</sup>

- b. Selvi Kitty

On her Instagram account (@selvikitty) posted on 21 February 2025, Selvi Kitty wrote: "I'M PREGNANT AGAIN!!!! Well, not quite – more accurately, I'm preparing for a future pregnancy. Since I currently have no plans to remarry or have another child anytime

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<sup>10</sup> Isnaeni, "Hukum Pembekuan Sel Telur Wanita (Egg Freezing / Oocyte Cryopreservation) Dalam Perspektif Hukum Islam Dan Hukum.", h. 53.

<sup>11</sup> Priyambodo, "Egg Freezing: Teknologi Untuk Menyimpan Cadangan Sel Telur Berkualitas."

<sup>12</sup> Isnaeni, "Hukum Pembekuan Sel Telur Wanita (Egg Freezing / Oocyte Cryopreservation) Dalam Perspektif Hukum Islam Dan Hukum.", h. 57.

<sup>13</sup><https://youtu.be/erwu6yPf3t4?si=QY8I0dnchv156jp> (diakses pada 26 April 2025 pukul 09:35 WIB)

soon, I decided to proceed with 'EGG FREEZING,' considering I'm not getting any younger."<sup>14</sup>

c. Wulan Guritno

Sri Wulandari Lorraine Joko Guritno, born on 14 April 1981,<sup>15</sup> is a senior Indonesian actress. At the age of 44, she disclosed on *CURHAT BANG* with Denny Sumargo (27 March 2025) that she had frozen her eggs, stating: "So, here's the thing—I still want to have more children, so I went through with egg freezing. Even though I already have three children, I did it."<sup>16</sup>

This phenomenon signals that egg freezing has evolved beyond a medical function and now intersects with broader social, cultural, and religious dimensions. Therefore, it is crucial to examine this issue through the lens of Islamic law and assess whether such practices are justifiable and aligned with the *maṣlaḥah* family concept.

According to several health sources, the ideal age for egg freezing is between 20–35 years, when egg quality and quantity are at their peak.<sup>17</sup> As outlined in *hellosehat.com* in the article titled "Egg Freezing: Definition, Purpose, Success Rates, and Procedure," the process involves several stages:<sup>18</sup>

- a. Preliminary examinations such as Pap smear, hepatitis and HIV screening, chlamydia testing, and hormone level assessments (e.g., FSH), followed by hormone injections similar to in vitro fertilization (IVF) protocols;
- b. Administering 2–3 hormone injections daily for 10–12 days to stimulate the simultaneous development of multiple eggs;
- c. Monitoring egg development through 4–6 ultrasound scans and regular blood tests;
- d. Retrieving mature eggs using a specialized needle inserted through the vaginal wall, equipped with suction at the tip to extract the eggs from the follicles;
- e. Placing the collected eggs into test tubes for cryopreservation using a vitrification technique.

In Indonesia, egg freezing is regulated under Article 10 of the Health Law No. 36 of 2009, which states: "Everyone is obliged to respect the rights of others in obtaining a

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<sup>14</sup> <https://www.instagram.com/p/DGU9OH3PW8T/?igsh=MTdodndka29rOXYzYg==> (diakses pada 26 April 2025 pukul 09:47 WIB)

<sup>15</sup> [https://id.wikipedia.org/wiki/Wulan\\_Guritno](https://id.wikipedia.org/wiki/Wulan_Guritno) (diakses pada 26 April 2025 pukul 09:10 WIB)

<sup>16</sup> <https://youtu.be/cvqPc0SMOuQ?si=0i4F6eOcucne7YQq> (diakses pada 26 April 2025 pukul 09:16 WIB)

<sup>17</sup> Priyambodo, "Egg Freezing: Teknologi Untuk Menyimpan Cadangan Sel Telur Berkualitas." (diakses pada 25 April 2025 pukul 15:52 WIB)

<sup>18</sup> Hillary Sekar Pawestri, "Egg Freezing: Definisi, Tujuan, Peluang, Dan Prosedurnya," *Hellosehat*, n.d. (diakses pada 25 April 2025 pukul 16:48 WIB)

healthy environment, including physical, biological, and social health.<sup>19</sup> Additionally, Government Regulation No. 61 of 2014 on Reproductive Health affirms: "(1) Every woman has the right to reproductive health services. (2) These services aim to protect reproductive organs and functions from disorders, diseases, or disabilities." Moreover, Regulation of the Minister of Health No. 43 of 2015 outlines procedures for assisted reproduction or non-natural pregnancy methods.<sup>20</sup>

Further guidance is provided in Regulation of the Minister of Health No. 73/Menkes/PER/II/1999 on the Provision of Artificial Reproductive Technology Services:<sup>21</sup> which states in Article 4: "Artificial reproductive technology services may only be provided to legally married couples and must serve as a last resort to conceive, based on medical indication." Article 10 adds: "(1) Violation of this regulation may result in administrative sanctions. (2) These sanctions may include warnings up to revocation of the operating license."

In line with this, a fatwa from Dār al-Iftā' al-Miṣriyyah, Egypt's official fatwa institution, declares that egg freezing is permissible under Islamic law if the following four conditions are met:<sup>22</sup>

- a. The sperm and eggs must originate from a legally married couple, and any fertilized egg must be implanted in the wife's womb during the ongoing marriage. Transferring fertilized eggs after divorce or the husband's death is not allowed;
- b. The fertilized eggs must be stored in a secure, protected environment to prevent mixing with other embryos, whether intentional or accidental;
- c. The fertilized eggs must not be transferred to the womb of any woman other than the original egg donor, prohibiting any form of donation or surrogacy;
- d. Cryopreservation must not pose risks or side effects such as congenital defects or developmental disabilities in children born from frozen embryos due to preservation conditions.

Related to this, the Islamic Fiqh Academy of the Organisation of Islamic Cooperation (OIC) issued a fatwa in 1410 H (1990 CE), stating:<sup>23</sup>

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<sup>19</sup> Pemerintah Pusat, "Undang-Undang (UU) Nomor 36 Tahun 2009 Tentang Kesehatan" (2009).

<sup>20</sup> Firzza Shafira Rizkiyana, "Tinjauan Maqāṣid syarī'ah Tentang Pembekuan Sel Telur Manusia (Egg Freezing)," *Jurnal Riset Hukum Keluarga Islam*, 2023, 29–34, <https://doi.org/10.29313/jrhki.vi.1938>.

<sup>21</sup> Bayu Pratama Putra and Hanan Khasyrawi Abrar, "In Vitro Fertilisation: Tinjauan Medis, Bioetik, Humaniora Dan Profesionalisme," *Jurnal Ilmiah Ecosystem* 22, no. 2 (2022): 383–402, <https://doi.org/10.35965/eco.v22i2.1527>.

<sup>22</sup> Shaykh Hassunah Al-Nawawi, "Embryo Cryopreservation," Egypt's Dar Al-Ifta, 2018.

<sup>23</sup> "أحكام تتعلق بالتلقيح الصناعي." 2001.

- a. The number of fertilized eggs should be limited to only those needed for implantation to avoid embryo surplus;
- b. Surplus embryos should be left without medical support until they naturally perish;
- c. Implanting embryos into another woman is strictly prohibited, and strict preventive measures must be taken to avoid any form of surrogacy or pregnancy outside a valid marital framework.

This fatwa explicitly forbids the use of embryos from one couple to be implanted in another woman's womb, as it violates Islamic legal boundaries and may result in lineage confusion (*nasab*). Therefore, strict systems and oversight are required to prevent misuse and ensure compliance with Islamic principles.

## **2. The Concept of the Maṣlahah Family**

The term *family* in Arabic is commonly referred to as (ج أَهْلُونَ وَأَهَالٌ), derived from *ahl*, which means kin, relatives, or family members.<sup>24</sup> Another interpretation suggests that *ahl* refers to a group of people bound by specific relationships, such as those of blood, religion, occupation, household, or nation.<sup>25</sup> One of the main purposes of family formation is to have offspring, which is considered a form of spiritual devotion (*taqarrub*) to Allah and a means of preserving the Sunnah of the Prophet.<sup>26</sup> From a sociological perspective, Djudju Sudjana outlines several key functions of the family:<sup>27</sup>

- a. Biological Function – Marriage aims to produce offspring and uphold human dignity and honor as rational and civilized beings. This biological function distinguishes human marriage from animal reproduction, as it is governed by shared marital norms.
- b. Educational Function – The family serves as a fundamental institution for education, where parents play a vital role in guiding children toward maturity in physical, spiritual, cognitive, emotional, and practical domains. The goal is to develop spiritual, moral, intellectual, and professional qualities.
- c. Religious Function – The family provides a foundation for instilling religious and moral values through understanding, awareness, and practice in daily life. This

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<sup>24</sup> Ahmad Warson Munawwir, *Al Munawwir Kamus Arab-Indonesia Terlengkap*, 3rd ed. (Surabaya: Pustaka Progressif, 2020).

<sup>25</sup> Wirda Wiranti Ritonga, "Peran Dan Fungsi Keluarga Dalam Islam," *Islam & Contemporary Issues* 1, no. 2 (2021): 47–53, <https://doi.org/10.57251/ici.v1i2.91>.

<sup>26</sup> Hervin Yoki Pradikta, Aizzatur Rodhiyah, and Tiara Rica Dayani, "Pendangan Mazhab Imam Maliki Dan Mazhab Imam Syafi'i Tentang 'Azl Sebagai Upaya Pencegahan Berketurunan," *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law* 4, no. 1 (2023): 31, <https://doi.org/10.24042/el-izdiwaj.v4i1.16343>.

<sup>27</sup> Ritonga, "Peran Dan Fungsi Keluarga Dalam Islam.", h. 51.



creates a religious atmosphere within the home, as illustrated in the Qur'an through the story of Luqmān al-Ḥakīm, who instilled 'aqīdah (faith) in his child.

- d. Protective Function – The family serves as a secure environment, shielding its members from internal and external threats and resisting harmful influences.
- e. Socialization Function – The family prepares children to become productive members of society, capable of upholding universal norms across diverse social contexts—whether related to ethnicity, nationality, race, culture, religion, language, or gender.
- f. Economic Function – The family is an economic unit engaged in livelihood activities. It involves managing income sources, planning budgets, allocating resources fairly, and maintaining accountability over wealth and possessions.

The concept of the *Maṣlaḥah* Family refers to a family that is happy, prosperous, and adherent to religious teachings.<sup>28</sup> At a deeper level, a *Maṣlaḥah* Family is one in which the relationships between husband and wife, and between parents and children, are based on principles of justice, balance, moderation, tolerance, moral excellence (*akhlāq karīmah*), tranquility (*sakīnah*), affection (*mawaddah*), and mercy (*rahmah*). Such a family experiences both material and spiritual well-being and actively contributes to the welfare of the social and natural environment, embodying the Islamic ideal of *rahmatan lil-'ālamīn* (a mercy to all creation).<sup>29</sup> The concept of *Maṣlaḥah* Family was originally introduced by the Family Welfare Institute of Nahdlatul Ulama (*Lembaga Kemaslahatan Keluarga Nahdlatul Ulama – LKGNU*). It is founded on the assumption that a family attains the status of *Maṣlaḥah* when it fulfills two interrelated dimensions: *Mashāliḥul Ushrah* (intrafamilial welfare) and *Mashāliḥul 'Āmmah* (societal welfare).<sup>30</sup>

One of the objectives of the *Maṣlaḥah* Family concept is the protection and empowerment of women, who often occupy vulnerable positions.<sup>31</sup> The realization of a *Maṣlaḥah* Family is based on three core principles: Islamic identity, ethics, monotheism (*taḥwīd*), and stewardship on earth (*khalīfah fī al-arḍ*). These four components are essential,

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<sup>28</sup> NU Online, "Keluarga Maṣlaḥah," NU Online, 2012, <https://nu.or.id/nasional/keluarga-maslahah-ZNpa6>.

<sup>29</sup> Khotimatul Husna, "Kajian Dalalah Dalam Perspektif Relasi Kesalingan Suami Istri Menurut Konsep Keluarga Maṣlaḥah Nahdlatul Ulama," *DIKTUM: Jurnal Syariah Dan Hukum* 20, no. 2 (2022): 323–36, <https://doi.org/10.35905/diktum.v20i2.3633>.

<sup>30</sup> Abdillah Halim, "Dari Sakīnah Ke Maṣlaḥah ...," *An-Nuha : Jurnal Kajian Islam, Pendidikan, Budaya Dan Sosial* 11, no. 2 (2024): 219–37.

<sup>31</sup> Ubaidillah et al., "Keluarga Maslahah Dalam Platform NU Online Perspektif Maqasid Al- Shari 'ah.," h. 158.

as the *Maṣlaḥah* Family must be rooted in faith, spirituality, and ethics, thereby contributing to both familial and societal well-being.<sup>32</sup>

The idea of *Maṣlaḥah* is central to this family model. According to the Indonesian Council of Ulama (Majelis Ulama Indonesia – MUI), the following criteria must be met to establish *maṣlaḥah* in Islamic jurisprudence, as outlined in Fatwa No. 6/MUNAS VII/MUI/10/2005:<sup>33</sup>

- a. *Maṣlaḥah* (public interest) in Islamic law is the attainment of the objectives of the *sharī'ah* (*maqāṣid al-sharī'ah*), which include the protection of five essential values (*aḍ-Ḍarūriyyāt al-Khams*): religion, intellect, life, property, and progeny.
- b. Legitimate *maṣlaḥah* must not contradict textual evidence (*naṣṣ*). Any *maṣlaḥah* that contravenes the Qur'an or ḥadīth is considered invalid.
- c. The authority to determine whether something qualifies as *maṣlaḥah* rests with competent Islamic legal institutions and must be decided through collective *ijtihād jamā'i* (scholarly consensus).

According to Nyai Raudlatun, a *Maṣlaḥah* Family is one that brings goodness not only to its members but also to the wider community. It is a harmonious and happy family that contributes positively to both its internal welfare and to the broader society.<sup>34</sup> Khairul Asiah further elaborates that the *Maṣlaḥah* Family concept is broader than the concept of *sakīnah, mawaddah wa raḥmah* (tranquility, affection, and mercy). While the latter emphasizes internal harmony, the *Maṣlaḥah* Family encompasses a wider scope, serving as a unit that contributes positively to the nation and the state.<sup>35</sup>

In the *Guidelines for the Implementation of the Family Planning and Population Education Program*, published by LKKNU and BKKBN (National Population and Family Planning Board), the characteristics of *Mashāliḥul Ushrah* (familial welfare) are described as follows:<sup>36</sup>

- a. Righteous spouses – A pious husband and wife who bring benefit to themselves, their children, and their surroundings. Their conduct becomes a model (*uswah ḥasanah*) for their children and others.

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<sup>32</sup> Ubaidillah et al., h. 158.

<sup>33</sup> Majelis Ulama Indonesia, *Himpunan Fatwa Majelis Ulama Indonesia Bidang Sosial Dan Budaya* (Penerbit Erlangga, 2015).

<sup>34</sup> Lisanatul Layyinah et al., "Membangun Keluarga Harmonis Melalui Konsep Keluarga Maṣlaḥah LKK NU Kabupaten Sumenep," *Jurnal Review Pendidikan Dan Pengajaran* 7 (2024): 3963–72.

<sup>35</sup> Layyinah et al., h. 3966.

<sup>36</sup> Layyinah et al., h. 3964.

- b. Virtuous children – Children who are morally upright, intellectually and spiritually healthy, productive, and independent, thereby avoiding being a burden to others or society.
- c. Positive social relations – Family members engage in healthy, principled social interactions, are well-integrated into their communities, and maintain good neighborly relations without compromising their values.
- d. Sufficient provision – While not necessarily wealthy, the family is able to meet basic needs—clothing, food, and shelter—as well as cover educational, religious, and living expenses responsibly.

### **3. Egg Freezing as a Means of Reproductive Deferral: An Islamic Legal Perspective and Its Relevance to the Concept of the Maṣlaḥah Family**

It is undeniable that many women, as illustrated above, undergo egg freezing not due to urgent medical necessity but as a response to technological advancements and contemporary lifestyles. This phenomenon prompts a debate between personal autonomy and social responsibility.

Islam, as a balanced and moderate faith, upholds human agency in planning for the future, provided such freedom is exercised responsibly, especially toward family and society. Accordingly, lifestyle-driven use of egg freezing warrants critical evaluation to ensure it aligns with the objectives of Shariah.

As the *khalīfah* (vicegerent) of the earth, Muslims are not instructed to reject technology but rather to employ it in accordance with *maqāṣid al-sharī'ah*.<sup>37</sup> Egg freezing transcends medical capability; it reflects life choices, value orientations, and Islamic visions of family. The *maqāṣid al-sharī'ah* framework—designed to safeguard five essential values: religion, life, intellect, lineage, and property—situates egg freezing firmly within the objective of preserving lineage (*ḥifẓ al-nasl*).

Under this normative lens, egg freezing may be classified into three categories:

#### **a. Ḍarūriyyāt (Primary Necessity)**

When egg freezing is medically indicated—such as prior to chemotherapy or in cases of conditions jeopardizing future fertility—the practice is deemed *ḍarūriyyāt*. It directly supports the preservation of progeny.

#### **b. Ḥājiyyāt (Secondary Need)**

If egg freezing is invoked for non-medical reasons—like deferring pregnancy to pursue a career, await a suitable spouse, or improve financial readiness—it aligns with

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<sup>37</sup> Husni Fauzan, “Pemikiran Maqāṣid syarī'ah Al-Tahir Ibn Asyur,” *Al-Mawarid Jurnal Syariah Dan Hukum (JSYH)* 5, no. 1 (2023): 101–14, <https://doi.org/10.20885/mawarid.vol5.iss1.art7>.

*ḥājiyyāt*. Islam permits accommodating lawful conveniences, provided they do not contravene Shariah, positioning egg freezing as a legitimate family planning method.

c. *Taḥsīniyyāt* (Tertiary Excellence)

When used purely for lifestyle enhancement without pressing need or clear benefit, egg freezing falls into the realm of *taḥsīniyyāt*. Its permissibility hinges on evaluating its *maṣlaḥah* potential versus associated risks.

The fatwa issued by Dār al-Iftā' al-Miṣriyyah stipulates four conditions that delineate a permissible framework: (1) gametes must originate from a validly married couple and any fertilization must transpire within marriage; (2) storage must be secure to prevent mixing; (3) no embryo may be transferred to another woman; and (4) cryopreservation must be free of teratogenic or neurodevelopmental harm. These provisions indicate that egg freezing is accepted within Islam if undertaken under strict ethical and procedural oversight, safeguarding lineage and moral accountability.<sup>38</sup>

Non-medical use of egg freezing—such as to postpone childbearing for career or psychological reasons—remains contentious among jurists. Yet, if motivated by genuine welfare concerns (*maṣlaḥah mursalah*), such as ensuring physical, emotional, and economic readiness for parenting, it may be incorporated within a broader Islamic ethical framework.

The *maṣlaḥah* family model aspires to establish a household characterized by *sakīnah*, *mawaddah*, and *rahmah*, and which delivers benefit not only internally but also to the wider community.<sup>39</sup> Appropriately regulated egg freezing can be a strategic tool in realizing this ideal, consistent with the approach of jurist Ibn Ashur, who emphasized that *maṣlaḥah* extends beyond individual welfare to encompass communal and societal interests.

Within this paradigm, egg freezing can support the formation of a *maṣlaḥah* family by:

- a. Safeguarding the prospect of healthy offspring;
- b. Allowing women to prepare responsibly for motherhood—physically, mentally, emotionally, and financially—thereby aligning reproductive decisions with family readiness;
- c. Preventing psychological and biological strain that can destabilize marital harmony.

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<sup>38</sup> Agung Kurniawan and Hamsah Hudafi, “Konsep Maqashid Syariah Imam Asy-Syatibi Dalam Kitab Al-Muwafaqat,” *Al-Mabsut: Jurnal Studi Islam Dan Sosial* 15, no. 1 (2021): 29–38, <https://doi.org/10.56997/almabsut.v15i1.502>.

<sup>39</sup> Maimun, *Ushul Fiqh 1: Konstruksi Metodologi Hukum Islam Klasik Menuju Ushul Fiqh Kontemporer*, 1st ed. (Malang: Literasi Nusantara, 2021).

According to guidelines from LKGNU-BKKBN, a *maṣlaḥah* family embodies faith, ethics, and proactive welfare-building. If egg freezing is utilized as a conscientious strategy to create high-quality, stable, and forward-looking families, it may indeed constitute a valid form of *ikhtiyār* (purposeful choice) rather than mere lifestyle indulgence. Islam encourages *tadbīr* (strategic planning) and *iḥtiyāt* (prudence) in major life decisions, including those concerning reproduction.

Despite the Potential Benefits, Egg Freezing Faces Several Challenges:

a. Lineage Confusion (*Ikhtilāf al-Nasab*)

The risk of negligence in storing frozen eggs can lead to serious ambiguity in determining lineage, which is a fundamental concern in Islamic law. Any uncertainty regarding lineage contradicts the principles of *sharī'ah*, which strongly emphasizes the protection of *nasab* (progeny).

b. Commercialization of Reproduction

This refers to the practice of turning human reproductive functions and processes into economic commodities or profit-oriented services. Such commodification undermines the intimate and personal nature of reproduction by transforming it into a commercial service accessible primarily to the affluent. As a result, it creates the risk of exclusivity for wealthier groups and marginalization of economically disadvantaged populations.

c. Technological Dependence

Egg freezing may cultivate an overreliance on technology, leading individuals to prioritize technological solutions in making crucial life decisions—often at the expense of spiritual values such as *ikhtiyār* (human effort) and *tawakkul* (trust in God).

However, when practiced within the ethical and legal boundaries of Islam, egg freezing can be seen not merely as a lifestyle choice but as a form of proactive effort (*ikhtiyār*) aligned with Islamic principles. Islam encourages *tadbīr* (strategic planning) and *iḥtiyāt* (cautiousness) in all significant life decisions, including reproductive ones. In this light, prioritizing education, career, and mental readiness before motherhood is not an act of selfishness, but rather a manifestation of responsible planning aimed at becoming competent mothers and building emotionally and spiritually stable families.

The use of egg freezing should not be viewed as a symbol of liberal lifestyle choices, but rather as an expression of reproductive responsibility from an Islamic perspective. In fact, egg freezing may help prevent greater harm (*mafsadat*), such as emotional distress caused by early infertility, hasty marriages driven solely by age-related pressure rather

than mental and moral readiness, and allow couples adequate time to prepare themselves economically and spiritually.

Therefore, regulation and education are both essential and urgent in the implementation of egg freezing. The state and religious authorities must play an active role in establishing clear boundaries, providing religious and ethical guidelines, and supervising the practice to ensure it remains within the framework of *sharī'ah*.

## CONCLUSION

Egg freezing is a modern reproductive technology initially developed for medical purposes, but it has since evolved into a lifestyle solution for women seeking to postpone pregnancy. From the perspective of Islamic law, the practice of egg freezing is permissible under strict conditions: it must involve a legally married couple, fertilization and implantation must occur during the period of marriage, and lineage (*nasab*) must be protected from any risk of mixing. These requirements align with the principle of *ḥifẓ al-nasl* (preservation of lineage) within the *maqāṣid al-sharī'ah* framework. Egg freezing can be categorized into three levels of Shariah necessity: *darūriyyāt* (primary), if conducted due to critical medical conditions such as cancer; *ḥājiyyāt* (secondary), if used for rational postponement in pursuit of a legitimate benefit; and *taḥsīniyyāt* (tertiary), if done solely for aesthetic or lifestyle reasons, which may be religiously objectionable.

The concept of the *maṣlaḥah* family emphasizes a balance between spiritual, moral, social, and biological dimensions. In this context, egg freezing may contribute to the formation of a responsible and prosperous family, provided it does not disregard religious, ethical, and social values. Nevertheless, the procedure poses several risks, including the potential for lineage confusion if storage is not strictly supervised, the commercialization of reproduction – which could exploit women and exacerbate social inequality – and excessive reliance on technology, which may diminish the Islamic values of *tawakkul* (trust in God) and *ikhtiyār* (human effort).

Given these risks, it is imperative for governments and relevant institutions to establish clear regulations on the implementation of egg freezing, particularly within the framework of Islamic law and the protection of women's rights. Moreover, public education on the medical, ethical, and legal aspects of egg freezing is essential to enable individuals to make informed and conscientious decisions.

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