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VASECTOMY AS SOCIAL ASSISTANCE POLICY DISCOURSE: A Normative Juridical Analysis from Ibn 'Uthaymīn's Fatwa

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Abstract: *This research examines the normative and ethical implications of the West Java Governor's statement proposing vasectomy as a prerequisite for prioritizing social assistance, by addressing the central question of whether such policy discourse constitutes a violation of maqāṣid al-syarī'ah and generates legal-ethical conflicts within Islamic and national legal frameworks. Employing a qualitative approach with library-based research methodology, this study analyzes secondary data through descriptive and content analysis. The analytical framework is grounded in maqāṣid al-syarī'ah theory, while conclusions are drawn using a deductive reasoning approach. The findings demonstrate that conditioning social assistance on vasectomy represents a normative inconsistency that contradicts the principle of preserving progeny (hifz al-nasl), as articulated in Ibn al-'Uthaymīn's fatwas, which prohibit permanent sterilization except in cases of medical necessity. Furthermore, the study identifies significant legal and ethical tensions, including the erosion of religious commitment, distortion of the concept of tawakkul, and violations of bodily autonomy and reproductive rights as protected under national law and human rights norms. The research concludes that such policy discourse risks producing structural injustice against economically marginalized groups. As an alternative, this study proposes rights-based and maqāṣid-oriented solutions, including sustainable economic empowerment programs, comprehensive reproductive health education, voluntary use of non-permanent contraception, and the reinforcement of a fair, non-discriminatory social security system to achieve public welfare without compromising fundamental religious values and human rights.*

Keywords: *Maqāṣid al-Syarī'ah; Islamic Legal Ethics; Social Assistance Regulation; Human Rights Law; Reproductive Autonomy.*

INTRODUCTION

Recently, public discourse in Indonesia has been marked by controversy following a statement by the Governor of West Java suggesting that social assistance programs could be prioritized for families who have undergone vasectomy (*Dedi Mulyadi Usul KB Dan Vasektomi Jadi Syarat Terima Bansos: Respons Mensos Dan Aturannya*, n.d.; Oemardi, 2024). This statement immediately raises a fundamental juridical question: to what extent may the state condition access to social welfare on compliance with an irreversible medical intervention that directly affects individual reproductive rights? Framed as a policy-oriented discourse, the statement situates state authority (Pelu et al., 2025a). social welfare objectives, and bodily autonomy in a tense normative relationship that demands legal and ethical scrutiny rather than mere descriptive assessment.

The controversy surrounding this statement is not merely administrative or political, but juridical in nature (Suryantari & Dewi Kasih, 2025). Social assistance is constitutionally grounded as a state obligation to protect vulnerable citizens, while reproductive autonomy constitutes a fundamental right protected under human rights norms (Dimiyati et al., 2021). Conditioning welfare access on permanent sterilization risks transforming social policy from a protective instrument into a coercive mechanism, potentially constituting an abuse of executive authority (Saldanha et al., 2025). This normative tension between state power and individual rights forms the central legal problem of this study.

From a medical standpoint, vasectomy is defined as a permanent male sterilization procedure achieved by severing the vas deferens to prevent fertilization (Kahfilani et al., 2024a). While medically categorized as a contraceptive method, its irreversible nature distinguishes it from temporary birth control measures. In Islamic legal theory, permanent prevention of procreation directly intersects with *maqāṣid al-syarīʿah*, particularly the protection of progeny (*ḥifẓ al-nasl*), which is recognized as one of the essential objectives of Islamic law (Asmara et al., 2023; Fauzi, 2023; M. Hanasir & Supardin, 2020; Ihsani, 2021; Malik & Harisah, 2023; Sukris Sarmadi et al., 2023; Thabrani & Kusairi, 2024). Consequently, policies that incentivize or indirectly compel permanent sterilization require rigorous normative evaluation within both Islamic and positive legal frameworks.

The fatwa of Muḥammad ibn Ṣāliḥ al-ʿUthaymīn provides a critical normative reference in this regard. He clearly differentiates between *taḥdīd al-nasl* (permanent limitation of progeny), which he categorizes as prohibited (*ḥarām*), and *tanzīm al-nasl* (temporary birth regulation), which may be permissible under legitimate circumstances such as health risks or emergency conditions (al-ʿUthaymīn, 1992> Vol. 18, p. 48.). This distinction offers a principled framework for assessing whether contemporary public policies align with or violate Islamic legal norms concerning reproductive limitation.

Beyond Islamic law, the governor's statement also raises significant issues under national law and human rights doctrine. The central juridical issue is whether executive policy discourse may lawfully impose medical prerequisites that permanently affect bodily integrity and reproductive freedom as a condition for receiving social assistance. Such a requirement potentially undermines principles of social justice, equality before the law, and

non-discrimination, particularly when directed at economically marginalized communities who are structurally dependent on state welfare.

Based on this normative tension, this article aims to examine vasectomy as a condition for social assistance through two interrelated analytical frameworks. First, it conducts a normative juridical analysis of the legal implications of executive policy discourse within the context of national law and human rights protection. Second, it evaluates the compatibility of such policy discourse with Islamic law by employing Ibn al-‘Uthaymīn’s fatwa on procreation limitation as a normative benchmark. Through this dual framework, the study seeks to test the juridical and ethical validity of linking welfare access to irreversible medical intervention.

A relevant previous study is the research entitled "Hukum Vasectomi Dan Tubektomi Dalam Pernikahan" (*The Law of Vasectomy and Tubectomy in Marriage*) written by Sholehuddin Harahap (Harahap, 2018). This research departs from the issue of population density in Indonesia, which is inversely proportional to the level of public welfare. As a solution, the government promotes the Family Planning (Keluarga Berencana/KB) program to suppress the birth rate. However, its implementation faces various challenges, particularly from the Muslim community and scholars who question its compliance with Sharia principles. Through a library research method, this study examines various primary sources such as the Compilation of Fatwas from the Indonesian Ulema Council (MUI), the Decision of the Consensus of Ulama of the Fatwa Commission of Indonesia, and other official MUI documents. The results indicate that the KB program is essentially an effort to realize a prosperous family, as long as it is conducted in accordance with religious provisions. Islam permits *tanzīm al-nasl* (regulation or spacing of births) but prohibits *taḥdīd al-nasl* (permanent limitation or elimination of progeny), such as vasectomy and tubectomy methods, which contradict the objective of preserving generational continuity.

Previous studies have primarily examined vasectomy within the scope of family law and population control programs. Sholehuddin Harahap’s research on vasectomy and tubectomy in marriage situates permanent contraception within the broader Family Planning (KB) program, concluding that Islam permits birth spacing (*tanzīm al-nasl*) but prohibits permanent sterilization (*taḥdīd al-nasl*). Similarly, Muhammad Nasrul Hanasir and Supardin analyze vasectomy from Islamic, juridical, and sociological perspectives, emphasizing its impermissibility except in emergency medical conditions. While these studies provide valuable doctrinal insights, they do not address the distinct legal problem of state-imposed medical conditions within welfare policy.

Another study entitled "Penggunaan Kontrasepsi Vasectomi Dalam Pandangan Hukum Islam" (*The Use of Vasectomy Contraception from the Perspective of Islamic Law*) was written by Muhammad Nasrul Hanasir and Supardin Supardin (M. N. Hanasir & Supardin, 2020). This research focuses on analyzing the perspective of Islamic law regarding the practice of vasectomy contraception. The study employs a qualitative approach with three perspectives: Sharia, juridical, and sociological, thus enabling a comprehensive examination of the issue of vasectomy not only from the aspect of religious law but also from the surrounding social realities and policies. Research data were obtained from Family

Planning (KB) instructors in Sendana District, Majene Regency, West Sulawesi Province, as well as from one user of the vasectomy method. Data were collected through interviews, observation, documentation, and literature review, then processed through three stages of analysis: data reduction, data presentation, and conclusion drawing. The results show that the implementation of vasectomy in that area was conducted with several stages of examination and counseling before the surgical procedure was performed. The motivations of husbands for choosing the vasectomy method varied, including reasons related to the wife's health condition that made further pregnancies impossible as it could threaten her safety. From the perspective of Islamic law, this study concludes that vasectomy is a permanent contraceptive method that causes sterility in men, thereby contradicting the principles of Islamic Sharia that emphasize the importance of preserving progeny (*hifz al-nas*). Thus, the practice of vasectomy cannot be justified under Islamic law except in very limited emergency conditions.

In contrast to the two aforementioned studies, this research, entitled "*Vasectomy as a Requirement for Social Assistance: A Normative Juridical Study of the West Java Governor's Statement from the Perspective of Ibn 'Utsaimin's Fatwa on Procreation Limitation*," presents a more specific and contemporary research context. The focus of this study is not only on the legal aspects of performing vasectomy but on the aspect of public policy—namely, the imposition of vasectomy as a requirement for obtaining social assistance. Using a normative juridical approach, this study examines the legal and ethical validity of such a policy from the perspective of national law and reviews its compliance with Sharia principles based on Ibn 'Utsaimin's fatwa on procreation limitation.

In terms of similarities, all three studies position vasectomy as an issue implicating Islamic law and reproductive morality, and they affirm the importance of preserving progeny as part of *maqāṣid al-syarī'ah*. However, in terms of differences, the previous studies placed greater emphasis on the aspects of *fiqh* (Islamic jurisprudence) and family law within the general context of the KB program, whereas this study focuses on the policy dimension and the state's responsibility in linking medical procedures to access to social assistance. Furthermore, this study utilizes the fatwa of a contemporary scholar as a normative analytical lens for assessing local government policy, thereby offering a new contribution to the discourse on the relationship between Islamic law, public policy, and societal social rights.

The novelty of the research entitled "*Vasectomy as Social Assistance Policy Discourse: A Normative Juridical Analysis from Ibn 'Uthaymin's Fatwa*" lies in its research focus, analytical approach, and the normative references used. Unlike previous studies that highlighted the legal status of vasectomy in the context of family *fiqh* and the general Family Planning program, this study presents a more actual and specific context: making vasectomy a condition for receiving social assistance. Thus, this study expands the scope of discussion from merely medical and religious issues to the realm of public policy and societal social rights. This issue is important because it touches upon the relationship between the state's authority in formulating welfare policies and the reproductive rights of citizens protected by law.

In terms of approach, this study uses a normative juridical method that combines the analysis of Islamic law with national law, thereby enabling a comprehensive assessment of the legal, ethical, and moral aspects of the policy. This approach not only examines legal texts but also considers the principles of social justice and *maqāṣid al-syarī'ah*, particularly in preserving progeny (*hifz al-nas*). Additionally, this study introduces the fatwa of Ibn 'Utsaimin as the main theoretical framework for assessing the procreation limitation policy. By using the views of this contemporary scholar as the basis for normative analysis, this study provides a new contribution in bridging classical fiqh perspectives and modern policy contexts.

Therefore, the novelty of this research can be summarized into three main aspects: first, its focus on vasectomy as an instrument of social policy, not merely a medical practice; second, its use of an integrative approach combining Islamic law, positive law, and public ethics; and third, its application of a contemporary fatwa as an analytical tool for assessing local government policy concerning reproductive rights and social justice.

RESEARCH METHOD

This study employs a qualitative research approach with a normative juridical design, focusing on the analysis of legal norms, doctrinal texts, and policy discourse (Busetto et al., 2020). The research is library-based, utilizing document and content analysis as its primary methods of data collection (Busetto et al., 2020). This approach is appropriate given that the study does not examine empirical behavior but rather evaluates the normative validity of policy discourse and legal principles governing reproductive rights and social welfare (Priantiwi & Abdurrahman, 2023).

The material object of this research is the statement of the Governor of West Java concerning the prioritization of social assistance for families who have undergone vasectomy. This statement is treated as a form of executive policy discourse, rather than as a formal regulation, and is analyzed insofar as it reflects a proposed policy orientation with potential legal and ethical implications. The case context is therefore institutionally situated within the executive branch of regional government in West Java, Indonesia, and temporally limited to the period in which the statement was publicly articulated and debated as part of contemporary social assistance policy discourse.

The formal object of the study is a normative juridical evaluation of the governor's statement, examined through two complementary analytical lenses: (1) national law and human rights principles governing social assistance, bodily autonomy, and reproductive rights; and (2) Islamic legal theory, particularly the framework of *maqāṣid al-syarī'ah* and Ibn al-'Uthaymīn's fatwas on procreation limitation. Accordingly, the study does not seek to compare multiple cases, but rather to assess a single policy discourse against established normative standards.

The unit of analysis consists of normative texts and authoritative documents, including: (a) the governor's public statement as reported in official and credible media sources; (b) national legal instruments related to social welfare, human rights, and reproductive

autonomy; and (c) classical and contemporary Islamic legal sources, particularly Ibn al-‘Uthaymīn’s fatwas addressing *tahdīd al-nasl* and *tanzīm al-nasl*. These materials are analyzed to identify normative coherence, tension, or contradiction between state policy discourse and legal–ethical standards.

Secondary data sources are employed throughout the study. These include peer-reviewed journal articles, statutory regulations, human rights instruments, and authoritative Islamic legal texts such as fiqh manuals and collections of fatwas. Data analysis is conducted through descriptive and content analysis (Green et al., 2023), aimed at systematically interpreting legal meanings, normative principles, and ethical implications embedded within the texts. The analytical process culminates in a deductive reasoning method (Laari, 2025), whereby general legal and *maqāṣid*-based principles (Jalili, 2021), are applied to the specific case of the West Java governor’s statement in order to reach normative conclusions regarding its juridical and ethical validity.

RESULT AND DISCUSSION

The Phenomenon of Vasectomy as a Requirement for Social Assistance

The discourse surrounding vasectomy as a requirement for social assistance in Indonesia must be analytically distinguished across three normative levels: executive policy discourse, proposed policy orientation, and enforceable regulatory instruments (*Have a Vasectomy If You Want Benefits, Says Indonesian Governor*, 2025). The statement made by the Governor of West Java operates primarily at the level of policy discourse, as it was never formalized into binding legal regulation (van Hulst et al., 2024). Nevertheless, as an expression of executive intent, such discourse remains normatively significant because it signals potential policy direction and may influence administrative practices, public expectations, and future regulatory formulation.

At the level of policy discourse, the proposal to prioritize social assistance recipients who have undergone vasectomy raises ethical and juridical concerns, but these concerns differ in degree from those arising under an enforceable regulation (Watts-Cobbe & Fitzpatrick, 2023). As discourse, the statement does not legally compel individuals to undergo medical procedures; however, it introduces a conditional logic into welfare provision that implicitly links access to social rights with compliance to personal medical decisions (Law et al., 2025). This implicit conditionality warrants normative scrutiny, particularly within the framework of public law and human rights, even in the absence of formal coercion.

A more acute juridical problem would arise if such discourse were translated into a formal policy requirement or administrative regulation (Sinaga, 2025). In such a scenario, vasectomy would function not as a voluntary family planning option, but as a mandatory prerequisite for accessing social assistance (Woskie & Roseman, 2025). This would constitute a direct form of coercion, as economically vulnerable individuals would face a constrained choice between preserving their reproductive autonomy and securing basic subsistence support (Saldanha et al., 2023). From a human rights perspective, this level of

coercion would violate principles of bodily autonomy, informed consent, and non-discrimination, as consent obtained under economic pressure cannot be regarded as genuinely voluntary.

Between these two extremes lies a hypothetical incentive-based policy model, in which vasectomy is encouraged through benefits rather than imposed as a requirement (Sivaram et al., 2022). While less coercive than mandatory regulation, such incentives still raise ethical concerns, particularly when directed at low-income populations (Giordano et al., 2025). Incentivization may function as indirect pressure, disproportionately affecting those who depend on social assistance, and thus risks reproducing structural inequality (Nyalela & Dlungwane, 2023). The degree of coercion in this model is lower, but not entirely absent, especially when incentives effectively operate as economic leverage over reproductive decisions.

From a religious and ethical perspective, Islamic jurisprudence similarly requires differentiation between voluntary medical choice and policy-induced compulsion (AM et al., 2025). While *tanẓīm al-nasl* (temporary birth spacing) may be permissible under certain conditions, permanent sterilization (*taḥdīd al-nasl*) is generally prohibited except in cases of necessity recognized by *Sharia* (Saogi et al., 2025). Even when vasectomy is chosen voluntarily, its permissibility remains highly restricted (Mizlan, 2025). When encouraged or required by state policy, the moral concern intensifies, as individual accountability becomes entangled with institutional pressure, potentially undermining the ethical foundations of personal moral responsibility in Islam.

Social justice considerations further reinforce the need for this differentiation. Policies—whether discursive, incentivized, or mandatory—that disproportionately target economically marginalized groups risk transforming social assistance from a protective right into a conditional privilege (Purnat et al., 2025). Such an approach contradicts the foundational principles of welfare policy, which are intended to alleviate vulnerability rather than exploit it as a means of policy compliance.

Therefore, the normative problem identified in this study does not lie solely in the medical act of vasectomy, but in the degree and form of state involvement in conditioning social rights on irreversible bodily intervention. By distinguishing between discourse, proposed policy, and enforceable regulation, this analysis demonstrates that the ethical and juridical severity of the issue increases in proportion to the level of coercion embedded within the policy design. Consequently, any attempt to institutionalize such discourse into binding policy would require the highest level of legal justification, ethical proportionality, and religious legitimacy—standards that are difficult to satisfy within both human rights law and Islamic legal ethics.

Analysis of the West Java Governor's Statement on Vasectomy within the Maqasid Shariah Framework according to the Perspective of Ibn al-'Utsaimin's Fatwa

The statement by the Governor of West Java, which asserted that social assistance priority would be given to families undergoing vasectomy, has sparked considerable public debate (Sari et al., 2024). From the perspective of *maqāṣid al-syari'ah*, such a policy must be

evaluated not only from administrative or economic angles but also through the fundamental objectives of Islamic law in comprehensively preserving human welfare (Muchasan et al., 2023). Through the lens of Muhammad bin Salih al-'Utsaimin's fatwas, a more comprehensive analysis of this policy can be conducted, encompassing legal, moral, and social dimensions.

Within the framework of *maqāṣid al-syarī'ah*, there are five essential necessities (*al-darūriyyāt al-khams*) that Shariah must protect: religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-'aql*), progeny (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). (Tahir & Hamid, 2024) From the aspect of *ḥifẓ al-nasl*, the preservation of progeny is fundamental (Mirwan, 2025). Ibn al-'Utsaimin in his fatwa explicitly distinguishes between *tanzhīm al-nasl* (temporary birth spacing), which is permissible under specific conditions, and *tahdīd al-nasl* (permanent procreation limitation), which is ruled impermissible (*ḥarām*) (al-'Uthaymīn, 1992. Vol. 18, p. 48.). Vasectomy, being permanent and irreversible, falls under the category of *tahdīd al-nasl*. Consequently, this procedure contradicts the *maqṣad* of *ḥifẓ al-nasl*. (Hadi, 2025) Furthermore, policies encouraging such practices could lead to a decline in the Muslim population, while the Prophet Muhammad ﷺ encouraged his followers to increase their progeny.

From the aspect of *ḥifẓ al-dīn* (preserving religion), this policy could create conflicts within the religious convictions of the community. According to Ibn al-'Utsaimin, any form of medical procedure that permanently alters Allah's creation is not permitted except in cases of genuine and urgent necessity (Fikri, 2025). Therefore, prioritizing social assistance based on vasectomy practice can be viewed as an indirect pressure on society to undertake actions contradicting their beliefs. This potentially weakens the spiritual resilience and religious commitment of the community.

Regarding the context of *ḥifẓ al-naḥs* (preserving life), although vasectomy is medically considered relatively safe, this invasive medical procedure still carries risks to patient health and safety (Kahfilani et al., 2024b). Ibn al-'Utsaimin, in several of his fatwas, consistently emphasizes the principle of *iḥtiyāt* (precaution) in all actions affecting the human body (al-'Uthaymīn, 1992. Vol. 17, p. 56.). Consequently, a policy promoting mass vasectomy raises concerns about neglecting individual health aspects and the precautionary principle integral to *maqāṣid syariaḥ*.

From the perspective of *ḥifẓ al-māl* (preserving property), the primary goal of social assistance is to enhance the economic welfare of the community (Risdayani et al., 2024). However, linking such assistance to vasectomy practice could constitute a misallocation of public resources if not accompanied by sustainable empowerment programs (Pelu et al., 2025b). Ibn al-'Utsaimin consistently emphasized that resolving socio-economic issues should be achieved through solutions addressing root causes and ensuring sustainability (al-'Uthaymīn, 1992. Vol. 5, p. 309.), rather than through instant approaches potentially causing negative future impacts.

Concerning the aspect of *hifz al-'aql* (preserving intellect), this policy risks creating misunderstandings within the community regarding the concepts of *tawakkal* (reliance on God) and sustenance. Ibn al-'Utsaimin repeatedly reminded that limiting progeny due to fear of inability to provide sustenance demonstrates weak faith in Allah's promise regarding provision for every creature (Fahimah & Abdul Jafar, n.d., p. 50). Thus, a policy implicitly encouraging procreation limitation for economic reasons potentially disrupts the religious intellectual framework of the community.

Based on the examination of Ibn al-'Utsaimin's fatwas, several key points form the basis for assessment. First, he explicitly prohibited vasectomy except in cases of genuine medical emergency, as permanently severing the vas deferens constitutes altering Allah's creation without legitimate Islamic justification. Second, he strongly rejected procreation limitation driven solely by economic motives, affirming that Allah has guaranteed sustenance for every creature. Third, Ibn al-'Utsaimin also opposed any form of coercive state intervention in reproductive matters, as these involve private rights regulated by Shariah.

From this analysis, several alternative policy recommendations more aligned with *maqāṣid syariah* principles can be proposed. The government should focus efforts on sustainable education and economic empowerment programs, provide family counseling services based on Islamic values, and develop a comprehensive social security system without linking it to procreation limitation. Furthermore, reproductive health promotion should be conducted using approaches consistent with Shariah teachings.

In conclusion, the policy of prioritizing social assistance based on vasectomy implementation is incompatible with *maqāṣid syariah*, particularly regarding the preservation of progeny (*hifz al-nasl*) and religion (*hifz al-dīn*). The fatwas of Ibn al-'Utsaimin clearly demonstrate that such actions are not permissible under Islamic law except in very limited emergency situations. Therefore, the government is expected to prioritize more proportional policies, aligned with Shariah values, and oriented towards the comprehensive and sustainable welfare of the community.

CONCLUSION

The policy discourse proposing vasectomy as a requirement for social assistance priority raises serious concerns across multiple dimensions. From an Islamic legal perspective, this policy contradicts the principles of *Maqāṣid al-Syari'ah*, particularly regarding the preservation of progeny (*hifz al-nasl*). Vasectomy as a method of permanent procreation limitation is categorically prohibited by scholars, including according to the fatwas of Ibn 'Utsaimin, except under very limited medical emergency circumstances. Furthermore, this policy potentially weakens religious commitment (*hifz al-dīn*), contradicts the principle of protecting life (*hifz al-nafs*), and may obscure understanding of *tawakkul* (reliance on God) and divine provision (*hifz al-'aql*).

From the perspective of national law and human rights, such policy violates bodily autonomy and individual reproductive rights. Linking social assistance rights to permanent medical procedures is considered an indirect and unethical form of coercion, particularly for impoverished communities forced to choose between economic needs and religious convictions. This situation potentially widens social disparities and contradicts principles of justice.

As a solution, this research proposes a more ethical approach aligned with welfare values (*maslahah*), suggesting the government shift its focus toward sustainable economic empowerment programs, comprehensive reproductive health education, voluntary provision of non-permanent contraception, and strengthening a fair and non-discriminatory social security system. Through these means, population control and poverty alleviation objectives can be achieved without sacrificing fundamental rights and religious values of the community.

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