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Transformation of Contemporary Fiqh through a Collective *Ijtihad* Approach in Resolving Lineage Issues Arising from Egg Freezing

Abstract: Egg freezing has triggered scholarly debate in Islamic jurisprudence, particularly when eggs are frozen before marriage and used afterward, raising concerns about the child's lineage. Contemporary fiqh through collective *ijtihad* is needed to offer solutions aligned with *maqasid al-shariah*. This research aims to analyze the formulation of contemporary fiqh in determining the legal ruling on egg freezing through a collective *ijtihad* framework. The study adopts a qualitative approach with a normative-empirical method. Data were collected through a literature review of classical fiqh texts, academic journals, and scholarly fatwas, followed by a descriptive-qualitative analysis. The findings of this study indicate that the formulation of contemporary Islamic jurisprudence through the collective *ijtihad* approach serves as an effective method for resolving lineage-related issues arising from egg freezing. The first step in the collective *ijtihad* process involves considering input from medical experts, beginning with a detailed presentation of the procedures, including ovarian stimulation, followed by the retrieval of mature oocytes, which are then cryopreserved using vitrification techniques to ensure optimal quality for long-term storage. Subsequently, Islamic jurists analyze and deliberate on the issue from various jurisprudential perspectives. Egg freezing is considered permissible as long as it is conducted within the framework of lawful marriage and upholds the principle of *hifz al-nasl* (protection of lineage). This study contributes to the advancement of Islamic legal thought that is responsive to the developments in reproductive technologies.

Keywords: Collective *Ijtihad*, Contemporary *Fiqh*, Egg Freezing, Islamic Law, Kinship Lineage.

INTRODUCTION

The advancement of reproductive medicine technology has introduced various innovations impacting human life, including egg freezing. This technology allows women to preserve their eggs for future use. This technique is widely adopted by women seeking to delay pregnancy due to health, career, or social reasons.¹ One widely publicized case involved a well-known celebrity who underwent an egg-freezing procedure. Luna Maya stated that the desire had existed for a long time. 'As a woman, there is certainly a natural desire to become a mother, and I have already undergone egg freezing,' she remarked. However, from an Islamic legal perspective, this practice raises jurisprudential (fiqh) issues that necessitate in-depth analysis to determine the most appropriate solutions. In Islamic law, egg freezing intersects with *nasab* (lineage), the validity of biological relationships, and familial rights and obligations. The complexity escalates when eggs are frozen prior to marriage and later fertilized post-marriage to conceive a child. From this issue, a critical question arises: How can contemporary fiqh, through collective *ijtihad* (*ijtihad jama'i*), resolve lineage-related dilemmas arising from egg freezing? Thus, a precise legal derivation (*istinbat*) method is necessary to address this issue in alignment with *Sharia* principles.²

The evolution of *ijtihad* in Islamic jurisprudence has progressed from classical to contemporary methodologies. Among modern approaches, collective *ijtihad*—a collaborative decision-making process by scholars competent in diverse Islamic disciplines—has gained prominence. This method is deemed more effective for addressing multifaceted, interdisciplinary knowledge issues, such as medicine and bioethics. Collective *ijtihad* minimizes individual subjectivity in legal rulings while enriching perspectives during deliberation.³ In egg freezing, aspects such as *maqasid al-sharia* (the

¹ Maria Giannopapa et al., "Women Electing Oocyte Cryopreservation: Characteristics, Information Sources, and Oocyte Disposition: A Systematic Review," *Journal of Midwifery & Women's Health* 67, no. 2 (March 1, 2022): 178–201, <https://doi.org/10.1111/JMWH.13332>.

² Aldona Piwko, "Contemporary Islamic Law between Tradition and Challenges of Modernity: Some Examples Worth Consideration," *Bogoslovni Vestnik* 81, no. 1 (2021): 91–101, <https://doi.org/10.34291/BV2021/01/PIWKO>.

³ Ahmed Gad Makhoul, "Evolution of Islamic Law in the 20th Century: The Conception of Collective Ijtihād in the Debate Between Muslim Scholars," *Oxford Journal of Law and Religion* 9, no. 1 (February 1, 2020): 157–178, <https://doi.org/10.1093/OJLR/RWAA019>.

objectives of Islamic law), *maslaha* (public interest), and scientific considerations must be holistically examined to ensure robust and widely accepted legal outcomes.

Existing fatwas on this matter reflect significant divergence. Some scholars permit egg freezing under strict conditions, such as restricting its use to valid marriages without third-party involvement. Others prohibit it outright, fearing potential misuse in non-Sharia-compliant reproductive practices. Collective *ijtihad* provides a comprehensive solution by striking a balance between individual rights, reproductive health, and communal welfare. It also provides guidance for fatwa institutions and religious authorities in formulating rulings. Furthermore, contemporary fiqh grounded in collective *ijtihad* addresses modern issues by harmonizing normative *Sharia* principles with empirical scientific advancements. Integrating normative and empirical approaches ensures equilibrium between Islamic mandates and technological progress.⁴

While contemporary fiqh has been extensively studied, research employing collective *ijtihad* to resolve lineage issues in premarital egg freezing remains limited. Existing works, such as Contemporary Islamic Law between Tradition and Challenges of Modernity: Some Examples Worth Consideration by Aldona Piwko⁵ and The Approach of Collective *Ijtihad* in Harmonizing Juristic Differences (*Ikhtilaf*) by Syed Salim Syed Shamsuddin⁶ focus broadly on fiqh evolution or methodological harmonization. Some relevant studies also include Between “Medical” and “Social” Egg Freezing,⁷ Social Egg Freezing-A Trend or Modern Reality, and Outcomes of Social Egg Freezing: A Cohort

⁴ Asni Asni et al., “The Urgency of Transdisciplinary Approaches in Contemporary Islamic Law Studies,” *KnE Social Sciences* 7, no. 8 (April 8, 2022): 615–622, <https://doi.org/10.18502/KSS.V7I8.10779>.

⁵ Piwko, “Contemporary Islamic Law between Tradition and Challenges of Modernity: Some Examples Worth Consideration.”

⁶ Pensyarah Kanan, Fakulti Syariah, and Dan Undang-Undang, “Pendekatan Ijtihad Jama’i Dalam Pengharmonisasian Ikhtilaf Fuqaha,” *Journal of Fatwa Management and Research* 12, no. 1 (July 9, 2018): 22–36, <https://doi.org/10.33102/JFATWA.VOL12NO1.4>.

⁷ Nitzan Rimon-Zarfaty et al., “Between ‘Medical’ and ‘Social’ Egg Freezing: A Comparative Analysis of Regulatory Frameworks in Austria, Germany, Israel, and the Netherlands,” *Journal of Bioethical Inquiry* 18, no. 4 (December 1, 2021): 683–699, <https://doi.org/10.1007/S11673-021-10133-Z>.

Study and a Comprehensive Literature Review.⁸ Similarly, studies related to health and Islamic law have also been conducted, but they focus more on different aspects, such as the study entitled "Health Law in Islam (Study of Law About Organ Transplant According to Fiqh)."⁹

This study bridges this gap by proposing collective *ijtihad* as a framework for contemporary fiqh formulation, specifically addressing lineage dilemmas arising from premarital egg freezing. It offers a solution that aligns with technological advancements and the needs of Muslim society. Current fiqh discourses on egg freezing often overlook interdisciplinary collective *ijtihad* involving scholars from different schools (*mazhabs*) and disciplines, which can lead to legal inconsistencies and social repercussions.

The novelty of this research lies in its exploration of collective *ijtihad* to formulate contemporary fiqh rulings on premarital egg freezing and lineage. By establishing a strong academic foundation, this study can contribute to the development of inclusive and responsive Islamic law. Such formulations resolve lineage status and reflect Islam's emphasis on justice and *maslaha*. Islamic law can remain relevant as a solutions-oriented framework for modern challenges through this approach. This research aims to analyze the formulation of contemporary fiqh through collective *ijtihad* in regulating egg freezing, examining relevant *Sharia* principles, collective decision-making methodologies, and legal implications. The study seeks to deepen understanding of Islamic law's adaptability to contemporary issues and propose inclusive, widely accepted solutions. By integrating collective *ijtihad*, this work advances contemporary fiqh scholarship and demonstrates how Islam can address modern challenges while upholding the principles of *Sharia*.

Method

Research in the field of contemporary fiqh, utilizing the *ijtihad jama'i* (collective *ijtihad*) approach, plays a crucial role in addressing the various challenges arising within

⁸ Pragati Kakkar et al., "Outcomes of Social Egg Freezing: A Cohort Study and a Comprehensive Literature Review," *Journal of Clinical Medicine* 12, no. 13 (July 1, 2023), <https://doi.org/10.3390/JCM12134182>.

⁹ "View of Health Law in Islam (Study of Law About Organ Transplant Accoring to Fiqh)," accessed April 19, 2025, <https://e-journal.metrouniv.ac.id/milrev/article/view/6196/3040>.

the dynamics of modern society. This study employs a qualitative method with a normative-empirical approach. It explores how contemporary fiqh formulation through the *ijtihad jama'i* approach can provide legal solutions to lineage-related issues stemming from egg-freezing practices. According to Creswell, qualitative descriptive research is an analytical approach that requires the researcher to remain focused on the data, using limited interpretive frameworks to explain findings and organize information into specific thematic categories.¹⁰ Data collection in this study involves documenting relevant literature sources from reputable journals and scholarly books that examine the formulation of contemporary fiqh through the *ijtihad jama'i* framework in resolving legal problems related to lineage in the context of egg freezing. The collected data was reduced, organized, presented, and analyzed using a qualitative-descriptive approach.

In response to the complexity of the collective *ijtihad* process in addressing contemporary issues such as egg freezing, this study adopts a more systematic and reflective methodological approach.¹¹ First, the selection process for participants in the *ijtihad* forum will be described in detail, including criteria of expertise from medical and Islamic legal perspectives, to ensure the representation of relevant disciplinary backgrounds. The interdisciplinary dialogue mechanism is designed deliberately to promote the integration of diverse perspectives in an objective and open manner. The validity and reliability of the data are ensured through source triangulation, expert validation, and audit trails of the analytical process. Furthermore, this approach incorporates critical reflection on potential biases within the *ijtihad* process,⁷³² including socio-cultural dynamics that may influence deliberative outcomes and the inherent challenges in harmonizing multi-*madhhab* and multidisciplinary viewpoints. Through this framework, the study aims to establish a strong methodological foundation for formulating a contextualized and technologically responsive contemporary fiqh.

¹⁰ J. David Creswell John W. Creswell, *Research Design*, 6th Ed. (California: Sage Publication, 2022).

¹¹ Herien Puspitasari, *Metode Penelitian Keluarga Edisi Revisi* (Bogor: IPB Press, 2018).

RESULTS AND DISCUSSION

Collective *Ijtihad* as an Approach in the Formulation of Contemporary *Fiqh*

Collective *ijtihad* is a collaborative approach to deriving Islamic law designed to address complex contemporary challenges. This approach involves collaboration among scholars of Islamic law, interdisciplinary experts, and technical specialists, resulting in comprehensive, relevant, and contextually informed legal formulations. In collective *ijtihad*, the principle of collectivity is fundamental, emphasizing consultation to reach a consensus based on *shar'i* evidence, the consideration of *maslahah* (public interest), and the needs of modern society.¹² This approach also integrates interdisciplinary methods involving modern fields of knowledge, such as technology, economics, medicine, and environmental science, to ensure that the resulting Islamic law effectively and practically addresses new issues. Through collective *ijtihad*, Islamic law remains faithful to the fundamental values of Shariah while also adapting to the changing times, making it a relevant guide for Muslims in addressing global issues. Therefore, collective *ijtihad* can be seen as an ideal model for formulating contemporary *fiqh* that is inclusive, adaptive, and based on public interest.¹³

The approach of collective *ijtihad* arises as a response to new challenges in the life of the Muslim community that cannot be resolved through individual *ijtihad* alone. The complexity of contemporary issues requires a broader collaboration to produce relevant and comprehensive legal formulations.¹⁴ The primary foundation of collective *ijtihad* is collectivity, where legal decisions are made through consultation and consensus. This principle ensures that individual subjectivity is avoided in legal decision-making and that the views of various parties are considered fairly and equitably. One of the advantages of collective *ijtihad* is its interdisciplinary approach, which involves experts from various

¹² Muhammad Harfin Zuhdi and Mohamad Abdun Nasir, "Al-Mashlahah and Reinterpretation of Islamic Law in Contemporary Context," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 3 (October 17, 2024): 1818–1839, <https://doi.org/10.22373/SJHK.V8I3.24918>.

¹³ Mohd Hafiz Jamaludin, Ahmad Hidayat Buang, and Arip Purkon, "Talfiq as A Method for Legal Solutions in Contemporary Islamic Law," *Ahkam: Jurnal Ilmu Syariah* 24, no. 1 (2024): 55–66, <https://doi.org/10.15408/AJIS.V24I1.33608>.

¹⁴ Moh Bahrudin et al., "The Implementation of Ijtihād Jamā'iy in MUI's Fatwa Commission," *Walisongo: Jurnal Penelitian Sosial Keagamaan* 28, no. 2 (November 30, 2020): 125–144, <https://doi.org/10.21580/WS.28.2.6293>.

fields, including medicine, economics, technology, and the environment. This enables Islamic legal formulations that are more contextual and applicable to the problems of the present time.¹⁵

In collective *ijtihad*, Islamic law is understood and formulated in consideration of modern social, cultural, and technological contexts. This principle ensures that Islamic law remains relevant without departing from the fundamental values of *shari'ah*. Collective *ijtihad* aims to promote *maslahah* (public benefit) and avoid *mafsadah* (harm). Legal decisions should bring significant benefits to the Muslim community as a whole while preventing more significant harm. The implementation of collective *ijtihad* begins with identifying issues, forming an expert team, studying *shar'i* evidence, and conducting collective discussions. The process concludes with the formulation of a legal decision based on consensus or a significant majority.¹⁶

Collective *ijtihad* is highly relevant to addressing contemporary medical issues, which are increasingly complex and require contextual Islamic legal responses. Issues such as organ transplantation involving live and posthumous donors require in-depth analysis of the status of life and brain death, as well as the public interest and potential harms involved. Similarly, assisted reproductive technologies such as in vitro fertilization (IVF) and surrogacy raise questions about lineage, the validity of sperm or egg donations, and the boundaries of Shariah in human reproduction. Additionally, developments in medical technology, such as human and animal cloning, genetic engineering, and stem cell research, require decisions that integrate medical knowledge and Islamic values. Through collective *ijtihad*, scholars of Islamic law and medical experts can discuss and formulate comprehensive legal rulings, considering *shar'i* evidence, scientific advancements, and public interest. This approach ensures that Islamic law remains relevant in addressing the community's needs while providing ethical guidance in the face

¹⁵ Aslati et al., "Utilizing Science and Maqāṣid Al-Sharī'ah in Resolving Contemporary Issues of Islamic Family Law," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 1 (March 16, 2024): 17–36, <https://doi.org/10.24090/MNH.V18I1.10571>.

¹⁶ Moh. Bahrudin, Tulus Suryanto, and Mohd Mizan bin Mohammad Aslam, "The Implementation of Ijtihād Jamā'iy in MUI's Fatwa Commission," *Walisongo: Jurnal Penelitian Sosial Keagamaan* 28, no. 2 (November 30, 2020): 125–144, <https://doi.org/10.21580/WS.28.2.6293>.

of medical advancements. Collective *ijtihad* is also highly relevant to address contemporary issues such as digital technology, bioethics, climate change, and Islamic finance. The complexity of these issues requires collaboration from various disciplines that cannot be answered by individual scholars alone. In the field of bioethics, collective *ijtihad* has been used to discuss the legal aspects of organ transplantation, IVF, and other reproductive technologies. Through this approach, the resulting legal decisions take into account both shar'i aspects and advances in medical science.¹⁷

Likewise, collective *ijtihad* is crucial in the field of *muamalah* (transactions) in the contemporary era, considering the dynamic nature of the economy, business, and financial transactions. In the age of globalization and digitization, new transactions and financial instruments have emerged and were not explicitly discussed in classical *fiqh* texts. For instance, Islamic finance requires precise legal formulations regarding new contracts such as *sukuk*, *istishna'*, or *wakalah bil ujah* in banking, investments, and Islamic insurance. Furthermore, the advancement of technology presents new challenges in digital transactions, such as cryptocurrency, electronic payments, and e-commerce. Through collective *ijtihad*, scholars and experts in Islamic economics can collaborate to review *shar'i* evidence, understand the principles of *maqasid al-shari'ah*, and formulate relevant and practical legal solutions.¹⁸ This collective approach ensures that Islamic commercial law aligns with Islamic principles and meets the needs of the modern, dynamic society while safeguarding justice and public interest in various economic activities.¹⁹

In the present day, collective *ijtihad* has become the most relevant form of *ijtihad*, given the challenges individuals face in achieving the status of *mujtahid mutlaq* (absolute scholar). The title of *mujtahid mutlaq* refers to the person who possesses a comprehensive

¹⁷ Ansori Ansori, "Rekonstruksi Metodologi Fikih Kontemporer," *Al-Manahij: Jurnal Kajian Hukum Islam* 12, no. 2 (December 5, 2018): 329–340, <https://doi.org/10.24090/MNH.V12I2.1302>.

¹⁸ Iffatin Nur, Syahrul Adam, and M. Ngizzul Muttaqien, "Maqāṣid Al-Sharī'at: The Main Reference and Ethical-Spiritual Foundation for the Dynamization Process of Islamic Law," *Ahkam: Jurnal Ilmu Syariah* 20, no. 2 (2020): 331–360, <https://doi.org/10.15408/AJIS.V20I2.18333>.

¹⁹ Annisa Permatasari, "Elasticity of Islamic Law in Social Dynamics (Analysis of E-Commerce A Fiqh Perspective)," *MILRev: Metro Islamic Law Review* 1, no. 1 (December 26, 2022): 34–53, <https://doi.org/10.32332/MILREV.V1I1.6189>.

mastery of all sources of Islamic law, *usul fiqh* (principles of jurisprudence), and the ability to derive rulings independently. However, in the modern era, the complexity of issues and the interdisciplinary nature of knowledge make this nearly impossible for an individual to achieve. In contrast, collective *ijtihad*, which involves collaboration among scholars, fiqh experts, and specialists from various fields, offers a more practical and effective approach. By combining collective expertise, collective *ijtihad* can produce comprehensive and in-depth legal decisions tailored to current developments.²⁰ This approach also ensures that various perspectives and dimensions of the issue are considered, making Islamic law relevant and applicable to modern society. Collective *ijtihad* is a practical solution and a tangible manifestation of the Islamic principle of *shura* (consultation).²¹

Collective *ijtihad* offers significant advantages over individual *ijtihad*, especially in addressing complex contemporary issues. One of its main strengths is the diversity of perspectives, as collective *ijtihad* involves numerous scholars and experts from various fields. This enables a more comprehensive and in-depth discussion, leading to more inclusive and solution-oriented decisions. Furthermore, collective *ijtihad* minimizes the potential for subjectivity or errors in judgment that may occur in individual *ijtihad*, as each opinion is tested through consultation and discussion. This collective approach also provides more legitimacy, as the decisions reflect the consensus or significant majority support, making them more widely accepted by the public. Through collaboration and synergy, collective *ijtihad* can produce legal solutions that align with Shariah principles and are relevant to the contemporary context, making them more effective in addressing complex global challenges.²²

²⁰ Hasan Bisri, "Hukum Islam Dan Perubahan Sosial: Telaah Atas Ijtihād Fardi Dan Jamā'i," *TAJDID* 26, no. 2 (October 12, 2019): 187, <https://doi.org/10.36667/TAJDID.V26I2.314>.

²¹ Ishaq Ishaq and Muannif Ridwan, "A Study of Umar Bin Khatab's Ijtihad in an Effort to Formulate Islamic Law Reform," *Cogent Social Sciences* 9, no. 2 (December 15, 2023), <https://doi.org/10.1080/23311886.2023.2265522>.

²² by Andi Moh Rezki Darma et al., "Al-Maqqahid Al-Shari'ah Philosophical Aspects and its Relevance to Contemporary Ijtihad," *International Journal of Social Science* 2, no. 4 (December 5, 2022): 1923-28, <https://doi.org/10.53625/IJSS.V2I4.4179>.

The implementation of *ijtihad jama'i* involves several technical stages that must be carefully observed to ensure decisions align with the principles of Sharia. First, experts from specialized fields, such as medicine, economics, and pharmacy, among others, explain the issue based on scientific objectivity. Second, scholars involved in the *ijtihad* forum and possess expertise in Islamic jurisprudence, such as *usul fiqh* and *qawaid fiqhiyah*, gather and analyze evidence from the Qur'an, hadith, *ijma'*, *qiyas*, and scholars' opinions to understand the issue at hand. Third, in-depth discussions and deliberations are conducted to compile various perspectives and arguments from different viewpoints. Fourth, once a consensus is reached, the outcome of *ijtihad jama'i* is formulated into a fatwa, or a legal ruling, that can serve as guidance for Muslims. This process ensures that the resulting decisions have a strong scientific foundation and can be applied contextually in light of contemporary developments.

The Concept of *Nasab* in Islamic Family Law

Linguistically, "*nasab*" refers to lineage or ancestry. The term originates from the Arabic root "*nasaba*," which signifies familial connection. In the Indonesian language, as defined in the *Kamus Besar Bahasa Indonesia* (Indonesian Dictionary), the term "*nasab*," derived from Arabic, retains its fundamental meaning, referring to descent (particularly patrilineal) or family relations. Terminologically, *nasab* denotes lineage or familial bonds established through blood relations, whether ascending (father, grandfather, mother, and grandmother) or lateral (siblings, uncles, etc.). In Islamic law, *nasab* signifies a legitimate genealogical connection based on blood ties. It specifically refers to a child's recognized affiliation with their parents or ancestors, as defined by Islamic legal principles. The concept of *nasab* is highly significant in Islam as it pertains to various aspects of family law, including inheritance, guardianship, financial support, and *mahram* relationships. In Islamic tradition, clarity in lineage is crucial for maintaining social order and preserving family honor.²³

²³ Dörthe Engelcke and Nadjma Yassari, "Child Law in Muslim Jurisdictions: The Role of the State In Establishing Filiation (Nasab) And Protecting Parentless Children," *Journal of Law and Religion* 34, no. 3 (December 1, 2019): 332–335, <https://doi.org/10.1017/JLR.2019.40>.

Islamic scholars define *nasab* as a legally recognized genealogical relationship based on blood ties and Islamic law. Wahbah al-Zuhaili describes *nasab* as a firm foundation for establishing family relations based on blood unity or the notion that one person is an integral part of another. For instance, a child is considered an extension of the father, and a father is an extension of the grandfather. Consequently, individuals with common ancestry share a unified lineage.²⁴ Imam Abu Hanifah defines *nasab* as a genealogical link established through a lawful marriage or paternal acknowledgment under specific conditions. Imam Malik views *nasab* as a child's legitimate connection to both parents, determining their legal rights and responsibilities, including inheritance, guardianship, and *mahram* status. Imam al-Shafi'i emphasizes that *nasab* can only be established through a valid marriage or paternal acknowledgment in legally acceptable circumstances, asserting that a child born outside wedlock is affiliated only with the mother.²⁵

Imam Ahmad ibn Hanbal defines *nasab* as a genealogical relationship established through a lawful marriage, whereby a child is automatically linked to both parents if born within a legitimate marital bond. He emphasizes that children born into lawful marriages are entitled to full legal rights, including inheritance, guardianship, and financial support from their fathers. However, regarding children born outside wedlock, Imam Ahmad holds that such children are only affiliated with their mothers and cannot be attributed to their biological fathers unless formally acknowledged following Islamic law.²⁶ This perspective aligns with the hadith of Prophet Muhammad, which states, "The child belongs to the bed (legitimate husband), and for the fornicator, there is no claim over the child." Nevertheless, Imam Ahmad maintains that children born out of wedlock should be treated with kindness and receive financial support from their biological fathers as a moral obligation.

²⁴ Wahbah Az-Zuhaili, *Fiqh Al-Islam Wa Adilatuh* (Beirut: Al-Maktabah, 1994).

²⁵ Rohmawati Rohmawati and Ahmad Rofiq, "Legal Reasonings of Religious Court Judges in Deciding the Origin of Children: A Study on the Protection of Biological Children's Civil Rights," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 21, no. 1 (June 30, 2021): 1-20, <https://doi.org/10.18326/IJTIHAD.V21I1.1-20>.

²⁶ Restu Ashari Putra, Reza Pahlevi Dalimunthe, and Rizal Abdul Gani, "Konsep Perlindungan Nasab Dalam Perspektif Hukum Islam," *Mutawasith: Jurnal Hukum Islam* 4, no. 1 (July 12, 2021): 32-41, <https://doi.org/10.47971/MJHI.V4I1.304>.

The legal basis for *nasab* in Islam derives primarily from the Qur'an. One of the fundamental references is Surah Al-Ahzab (33:4-5), which states:

"Allah has not made two hearts in his (one) body for any man. Nor has He made your wives whom you declare (to be like your mothers) your (real) mothers. Nor has He made your adopted sons your (real) sons. That is what you are saying by your mouth. However, Allah tells the truth and guides us to the (right) way. Call them (your adopted sons) by (the names of) their fathers; that is more just in the sight of Allah. However, if you do not know their fathers, then (they are) your brothers in faith and your allies. Moreover, there is no blame upon you for what you have erred, but (only for) what your hearts intended. Furthermore, ever is Allah Forgiving and Merciful." (Q.S. Al-Ahzab: 4-5)

This verse underscores the importance of lineage clarity in Islam and prohibits falsely attributing oneself to anyone other than one's biological father. It clarifies that adopted children do not assume the lineage of their adoptive parents but should be recognized according to their biological ancestry. The primary determinant of lineage in Islam is a lawful marriage. Furthermore, Surah Al-Baqarah (2:233) establishes that a father is responsible for his child's financial support based on *nasab*:

"Mothers may breastfeed their children for two years for whoever wishes to complete the nursing period. Upon the father is their (the mothers') provision and clothing according to what is acceptable..."

This verse highlights the significant role of *nasab* in determining family rights and obligations, including financial support and child protection. Thus, the Qur'an provides a strong legal foundation for maintaining a clear lineage to uphold justice and social order in Islamic society.²⁷

Additionally, Islamic jurisprudence relies on prophetic traditions (*hadith*) as a basis for *nasab* rulings. According to an authentic *hadith* narrated by Bukhari and

²⁷ Agustin Hanapi Uin et al., "Kedudukan Metode Al-Qāfah Dalam Penetapan Nasab Anak Menurut Ulama Perspektif Maqashid al-Syariah," *De Jure: Jurnal Hukum Dan Syar'iah* 14, no. 1 (June 29, 2022): 21-37, <https://doi.org/10.18860/J-FSH.V14I1.15875>.

Muslim, Prophet Muhammad stated, "The child belongs to the bed (legitimate husband), and the fornicator has no claim over the child" (HR. Bukhari and Muslim). This hadith reaffirms that a child's lineage can only be established through lawful marriage and that children born outside of marriage are not affiliated with their biological fathers. Another hadith narrated by Abu Dawud states, "Whoever falsely claims to be the child of someone other than his father while knowing it is not true, Paradise is forbidden for him" (HR. Abu Dawud). This hadith emphasizes the strict prohibition in Islam against falsifying lineage to preserve justice and social order within family structures.²⁸

Biologically, conception and childbirth occur when a husband's sperm fertilizes a wife's ovum. This process constitutes the fundamental cause of the *nasab* between a child and the father, yet it remains beyond human perception and is known only to Allah. Since legal rulings must be based on tangible, observable, and verifiable facts, Islamic jurisprudence establishes specific legal criteria to determine *nasab*, referred to in *Usul al-Fiqh* as *mazinnah* (presumptive indicators). The key legal presumption for establishing *nasab* is a valid marital contract, which forms the legal foundation of kinship.²⁹ To establish *nasab*, several conditions must be met. First, the husband must be biologically capable of impregnating his wife. According to the Hanafi school, this typically begins at 12 years old, while the Hanbali school sets the minimum at 10 years old. Consequently, *nasab* cannot be established if the alleged father is prepubescent. Malikiyyah scholars further stipulate that *nasab* is invalid if the father is biologically incapable of reproduction (*majbub mamsuh*), subject to medical verification.

Second, the child must be born six months after the marriage contract. According to Hanafi scholars and the majority opinion, a child born less than six months after marriage cannot be attributed to the father. Third, the husband and wife must have had the opportunity for physical cohabitation after marriage. Scholars differ on whether this

²⁸ Putra, Dalimunthe, and Gani, "Konsep Perlindungan Nasab Dalam Perspektif Hukum Islam."

²⁹ Solihul Aminal Ma'mun, Uin Sunan, and Kalijaga Yogyakarta, "Mentarjih Penetapan Nasab Anak Zina Kepada Ayah Biologis Berdasarkan Konsep Anak dan Maqsad Hifz Al-Nasl," *Al-Maslahah : Jurnal Ilmu Syariah* 16, no. 2 (February 15, 2020): 198-215, <https://doi.org/10.24260/AL-MASLAHAH.V16I2.1596>.

requires actual intercourse or merely the logical possibility of cohabitation. Hanafi scholars assert that logical possibility suffices; if the husband and wife could have met after marriage, a child born six months later is attributed to the husband. However, Malikiyyah, Shafi'iyyah, and Hanabilah scholars argue that actual physical contact or cohabitation is necessary, as legal rulings should be based on observable facts rather than rare or improbable occurrences. If no cohabitation is possible, a child born under such circumstances cannot be attributed to the husband. This interpretation is widely accepted as it aligns with Islamic legal principles and rational analysis.³⁰

The Theory of Egg Freezing

Egg freezing, also known as oocyte cryopreservation, is a reproductive technology that allows women to preserve their eggs for future use in assisted reproductive programs with a legal partner. This procedure involves retrieving eggs from the ovaries, freezing them, and storing them in a laboratory. The frozen eggs can be thawed, fertilized with sperm, and implanted into the uterus. This technology helps maintain the quality of eggs as per the age at the time of retrieval until they are used in pregnancy programs. When performed correctly, egg freezing can increase the chances of future pregnancy. This method is available for women undergoing examinations and consultations with an obstetrician-gynecologist. The physician will consider various factors based on medical evaluations, including the patient's health condition. For instance, women with underlying medical conditions (comorbidities) should first manage their health before undergoing egg freezing, as comorbidities can reduce egg quality and increase pregnancy complications.³¹

Egg freezing is ideally performed between the ages of 20 and 35, as reproductive function is optimal within this age range. Women who freeze 10–20 eggs before turning 35 have a 50–70% chance of achieving a live birth. However, this probability declines

³⁰ 'Abd Ar-Rahman Al-Jaziry, *Al-Fiqh 'Ala Al-Madzhab Al-Arba'ah* (Al-Qahirah: Dar Al-Hadith, 2004).

³¹ Bonnie B. Song and Molly M. Quinn, "Planned Oocyte Cryopreservation: A Review of Current Evidence on Outcomes, Safety and Risks," *Obstetrics and Gynecology Clinics of North America* 50, no. 4 (December 1, 2023): 707–719, <https://doi.org/10.1016/j.ogc.2023.08.005>.

with age, as egg quantity and quality decrease after the age of 35. This decline can be exacerbated by reproductive health conditions such as endometriosis, polycystic ovary syndrome (PCOS), or ovarian cysts, which may affect fertility. Although egg freezing is generally recommended before the age of 37, the decision to undergo this procedure should be based on thorough medical evaluations and individual indications. If the egg quality remains viable, women over 37 may still have the opportunity to undergo the procedure. Additionally, ovarian age does not always correspond with biological age, as it depends on reproductive organ health. Egg freezing differs from embryo freezing (In Vitro Fertilization/IVF) as it does not require sperm. In this procedure, a woman's eggs are frozen without fertilization and stored in a laboratory.³²

Frozen eggs can only be used by their owner with a legal partner. In Indonesia, this regulation is outlined in Law No. 26 of 2009, Article 127 concerning Health, which states that pregnancy efforts through non-natural methods are only permitted for legally married couples. The law also emphasizes the importance of qualified healthcare professionals and the provision of adequate facilities for the procedure. The Indonesian Ulema Council (MUI) also issued a fatwa in 1979 concerning IVF, which governs egg-freezing-related procedures. Internationally, egg freezing is a more developed practice and has recently gained popularity in Indonesia despite its controversy. Several international celebrities, including Rita Ora, Halsey, Rebel Wilson, Paris Hilton, and Celine Dion, have publicly shared their experiences with egg freezing. In Indonesia, some public figures have also undergone this procedure.

For instance, Luna Maya revealed in an interview on Venna Melinda's YouTube channel that she had undergone egg freezing. She expressed that the desire had been present for a long time: "As a woman, I naturally have the wish to become a mother, and I have undergone egg freezing. With this technology, I no longer feel pressured by age constraints." Similarly, beauty content creator Lidia Fang documented her egg-freezing experience at *Klinik Bocah Indonesia* on her YouTube channel as part of her activity

³² Gesthimani Mintziori et al., "Egg Freezing and Late Motherhood," *Maturitas* 125 (July 1, 2019): 1-4, <https://doi.org/10.1016/J.MATURITAS.2019.03.017>.

journal. Dewi Persik also shared her egg-freezing journey on her YouTube channel, explaining three main reasons for undergoing the procedure: (1) to store her eggs for future use when natural pregnancy is no longer possible, (2) to postpone pregnancy until she feels ready, and (3) to enable long-term preservation of her eggs. She underwent the procedure at Brawijaya Hospital and documented it through video journals.

Originally, egg freezing was developed to preserve the reproductive function of cancer patients undergoing chemotherapy, as the treatment poses a risk of damaging eggs. Over time, this technology has also been utilized by women without cancer to preserve their egg reserves for various reasons, including:

1. Women who are unmarried but approaching the age where egg quantity and quality begin to decline.
2. Patients with severe endometriosis who are unmarried or not yet ready for pregnancy.
3. Women with polycystic ovary syndrome (PCOS).
4. Those diagnosed with premature menopause.
5. Women, both married and unmarried, who wish to delay pregnancy for personal reasons, including psychological readiness (physical, emotional, or financial preparedness) or social factors, such as completing education or pursuing a career.³³

The egg-freezing process involves several stages that are fundamentally similar to those of IVF procedures. However, unlike IVF, egg freezing halts at the egg retrieval stage, followed by freezing. The initial stage begins with a consultation with a fertility and reproductive endocrinology specialist. The doctor explains the procedure, potential risks, and success rates during this consultation. The patient then undergoes a series of medical assessments to evaluate overall health and fertility. These assessments include:

1. Body Mass Index (BMI) evaluation to determine nutritional status.
2. Reproductive hormone tests to assess hormone levels essential for fertility.
3. Blood tests for general health screening.
4. Transvaginal ultrasound to evaluate reproductive organ health.

³³ Rimon-Zarfaty et al., "Between 'Medical' and 'Social' Egg Freezing : A Comparative Analysis of Regulatory Frameworks in Austria, Germany, Israel, and the Netherlands."

5. Ovarian reserve assessment to determine egg quantity and quality.
6. Infection screening for hepatitis B, hepatitis C, and HIV.
7. Egg count evaluation to estimate the number of retrievable eggs.³⁴

If the consultation and medical evaluations confirm suitability for egg freezing, the physician and patient will discuss scheduling subsequent stages. To optimize the success rate, controlled ovarian stimulation is administered using hormonal medications. These medications stimulate the ovaries to produce multiple mature eggs, increasing the chances of a successful procedure. Stimulation involves daily hormone injections for 10–12 consecutive days, typically administered three fingers below the navel. Possible side effects include cramps, bloating, fatigue, dizziness, weakness, and increased appetite, though these effects are generally mild and not harmful. Doctors monitor egg development via ultrasound and blood tests throughout the stimulation phase to ensure an appropriate physiological response. Commonly used medications include Gonal-F, Cetrotide, and Ovidrel. Gonal-F, and follicle-stimulating hormone (FSH) to promote egg growth and maturation. Cetrotide prevents premature ovulation, ensuring optimal egg growth. Ovidrel triggers ovulation, promoting the development of multiple eggs. Patients are also often prescribed supplements, such as 1000 mg of folic acid and 1000 IU of vitamin D (e.g., Blackmores or One Daily Woman), to support reproductive health during the procedure.³⁵

Once medical evaluations confirm adequate egg development, mature eggs are retrieved through a procedure known as oocyte collection or ovum pick-up. This minor surgical procedure involves extracting eggs directly from the ovaries. Before the procedure, ovulation must be confirmed twice using an ovulation strip, which detects the presence of ovulation hormones. Physicians identify follicle locations using transvaginal

³⁴ Yoliliztli Pérez-Hernández and Michiel De Proost, “Egg Freezing, Genetic Relatedness, and Motherhood: A Binational Empirical Bioethical Investigation of Women’s Views,” *Bioethics* 38, no. 7 (September 1, 2024): 592–599, <https://doi.org/10.1111/BIOE.13163>.

³⁵ Sonia Gayete-Lafuente, Volkan Turan, and Kutluk H. Oktay, “Oocyte Cryopreservation with in Vitro Maturation for Fertility Preservation in Girls at Risk for Ovarian Insufficiency,” *Journal of Assisted Reproduction and Genetics* 40, no. 12 (December 1, 2023): 2777–2785, <https://doi.org/10.1007/S10815-023-02932-7>.

ultrasound, then extract eggs using a specialized needle inserted through the vaginal wall. Alternatively, laparoscopy may be used, wherein a small incision is made near the navel to insert a camera-equipped laparoscope for follicle identification. The eggs are then carefully extracted using a fine needle connected to a suction device. During this process, general anesthesia is administered to minimize discomfort. After retrieval, pain relief medication such as Mefinal may be prescribed to aid recovery.³⁶

The retrieved eggs are stored in specialized tubes at a temperature of -196°C. The storage temperature must remain stable to maintain the viability of the eggs, preventing deterioration. If the temperature remains consistently at -196°C, there is no time limit for storage, as egg quality can be preserved at 80–90% of its original state. No special post-freezing treatment is required unless the patient has an underlying medical condition requiring further care. However, while egg quality remains preserved, natural aging continues. Therefore, maintaining overall health is crucial for ensuring a successful pregnancy when the time comes. Generally, women are advised to conceive before the age of 46.³⁷

The Formulation of Contemporary Fiqh through the Collective *Ijtihad* Approach in Resolving Issues of Lineage Status via Egg Freezing

Through *collective ijtihad*, Islamic law can adapt to changing times without losing the essence of Sharia. This makes Islam a dynamic religion capable of addressing the needs of the *ummah* in various contexts. By employing a collective, interdisciplinary approach that prioritizes *maslahah* (public interest), this method produces legal solutions that are relevant, applicable, and aligned with contemporary demands. As a primary model for the future development of fiqh, *collective ijtihad* ensures that Islamic law remains a living and contextual guide for the Muslim community. In the context of fiqh,

³⁶ Vista Budiariati, Safira Damayanti, and Shafara Widyanti Lukmana, “Komparasi Oosit Dan Histologi Ovarium Mencit Dengan Superovulasi Hormonal Dan Kombinasi Induksi Ovulasi,” *BIOTIKA Jurnal Ilmiah Biologi* 21, no. 1 (June 22, 2023): 45–50, <https://doi.org/10.24198/BIOTIKA.V21I1.44821>.

³⁷ Mintziore et al., “Egg Freezing and Late Motherhood.”

such a comprehensive approach ensures that every legal ruling is made fairly and follows the objectives of Sharia (*maqashid syariah*).³⁸

The formulation of contemporary fiqh through the collective *ijtihad* approach is particularly suitable for resolving legal issues related to determining lineage in children conceived through egg freezing. This method enables legal scholars to collaborate in seeking solutions that align with modern societal conditions and individual needs. Emphasizing consultation and collaboration among various stakeholders, such as Islamic scholars, medical professionals, and legal experts, facilitates the development of inclusive, fair, and responsive legal decisions that consider social dynamics and advancements in gender and health studies. Given the complexities surrounding lineage determination in the context of egg freezing, collective *ijtihad* provides flexibility in interpreting Islamic law, ensuring clarity regarding whether a child's lineage is traced to the father or the mother. By adopting this approach, legal determinations regarding lineage can be made accurately in compliance with Islamic legal principles.³⁹

Egg freezing is inherently linked to medical science, and while medical and Islamic legal studies are distinct fields, issues in medical science often have legal implications in Islam. Medical research primarily focuses on health, whereas Islamic law governs practical religious rulings based on detailed textual evidence. However, in Islam, health-related matters can sometimes necessitate legal judgments, and Islamic law places significant emphasis on human well-being. The formulation of contemporary fiqh through the collective *ijtihad* approach represents an effort by Islamic jurists to unify their perspectives

³⁸ Taufiqurohman and Nelli Fauziah, "The Evaluation of Maqāṣid Asy-Syarī'ah on Discourses of the Islamic Family Law," *El-Ussrah: Jurnal Hukum Keluarga* 6, no. 1 (September 26, 2023): 81-90, <https://doi.org/10.22373/UJHK.V6I1.13035>.

³⁹ Darul KM Hipni Universitas Islam Negeri Sulthan Thaha Saifuddin Jambi Jl Raya Jambi -Muara Bulian et al., "The Importance of the Ijtihad Jama'i Method in Contemporary Fiqh Formulations," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 23, no. 1 (June 16, 2023): 13-20, <https://doi.org/10.30631/ALRISALAH.V23I1.1322>.

on lineage issues arising from egg freezing in collaboration with medical and genetic experts.⁴⁰

The initial step in this process involves medical experts presenting a detailed explanation of egg freezing to Islamic legal scholars. Egg freezing is a medical procedure in which a woman's eggs are retrieved, frozen, and stored for future use. This technology allows women to preserve their fertility at a younger age and utilize the stored eggs when they are ready to conceive. The procedure involves ovarian stimulation with hormones to encourage the production of multiple eggs. Once the eggs mature, they are retrieved through a follicular aspiration procedure and frozen using vitrification, a rapid freezing technique that ensures optimal preservation.⁴¹

Medical experts further elaborate on the technical aspects of the egg-freezing process. It begins with ovarian stimulation, where hormonal medications are administered to stimulate the production of multiple eggs within a single menstrual cycle. Women typically undergo hormonal injections for 10–14 days to promote egg maturation beyond the usual number produced in a natural cycle. During this period, doctors monitor the process through ultrasound examinations and blood tests to ensure optimal egg development. Once the eggs reach the desired size, an ovulation-triggering injection is administered to induce final egg maturation before retrieval. The next stage is egg retrieval or ovum pick-up (OPU), which involves inserting a fine needle through the vaginal wall into the ovaries under ultrasound guidance. The collected eggs are immediately sent to an embryology laboratory for quality assessment. Those meeting the required criteria are frozen using vitrification, a rapid freezing method involving cryoprotectant solutions to prevent ice crystal formation, which could damage the cells.

⁴⁰ Firzza Shafira Rizkiyana, "Tinjauan Maqashid Syariah Tentang Pembekuan Sel Telur Manusia (Egg Freezing)," *Jurnal Riset Hukum Keluarga Islam*, July 30, 2023, 29–34, <https://doi.org/10.29313/JRHKI.VI.1938>.

⁴¹ Francesca Barrett et al., "Fertility Preservation for Adolescent and Young Adult Transmen: A Case Series and Insights on Oocyte Cryopreservation," *Frontiers in Endocrinology* 13 (May 24, 2022), <https://doi.org/10.3389/FENDO.2022.873508>.

The frozen eggs can be stored for an extended period and used as needed, typically in IVF programs when the woman is ready to conceive.⁴²

Medical experts also highlight the primary purpose of egg freezing, which is to preserve a woman's fertility, particularly for those who wish to delay pregnancy due to medical or personal reasons. Women undergoing medical treatments such as chemotherapy or radiotherapy are at risk of ovarian damage, which may lead to infertility. By freezing their eggs before treatment, they retain the possibility of having biological children in the future. Additionally, women with medical conditions such as endometriosis or autoimmune disorders may consider egg freezing as a preventive measure against declining fertility quality. Beyond medical reasons, egg freezing offers a solution for women who wish to plan pregnancies at a later age. As women age, the quality and quantity of their eggs naturally decline, reducing the chances of natural conception. By storing eggs at a younger age, women can enhance their chances of successful pregnancy when they are ready to start a family. This technology provides women with the flexibility to prioritize their careers and education or wait for the right partner without the concern of age-related fertility decline.⁴³

After medical experts present the scientific aspects of egg freezing, Islamic scholars analyze and evaluate the practice from various Islamic jurisprudential perspectives. They refer to the Quran and Hadith to determine whether this practice aligns with Islamic teachings. In their deliberations, scholars consider principles such as *maslahah* (public interest), *hifz al-nasl* (the preservation of lineage), and the boundaries set by Islamic law regarding human reproductive interventions. The ethical and legal implications of egg freezing within Islam are also examined, particularly concerning regulations on pregnancy and lineage. Scholars analyze classical and contemporary Islamic perspectives on the

⁴² budiariati, Damayanti, and Lukmana, "Komparasi Oosit Dan Histologi Ovarium Mencit Dengan Superovulasi Hormonal Dan Kombinasi Induksi Ovulasi."

⁴³ Dimitra Katsani et al., "Social Egg Freezing—A Trend or Modern Reality?," *Journal of Clinical Medicine* 13, no. 2 (2024): 1–11, <https://doi.org/10.3390/jcm13020390>.

minimum and maximum gestational periods to gain a comprehensive understanding of the issue.⁴⁴

Beyond referencing Quranic and Hadith evidence, Islamic scholars assess egg freezing through the lens of *usul fiqh*, *qawa'id fihiyyah*, and *maqashid syariah*. In *usul fiqh*, they examine foundational legal principles such as *istihsan* (juristic preference for public interest) and *sadd al-dzari'ah* (blocking potential harm). Scholars deliberate on whether egg freezing can be permissible under Islamic law, particularly if it serves to preserve lineage without violating fundamental Sharia principles.⁴⁵ In Islamic jurisprudence, the permissibility of an action is determined based on textual evidence and legal principles. If egg freezing occurs before marriage or after divorce, it raises concerns regarding its permissibility and potential consequences under Islamic law. The principle of "*Al-ashlu fil asya' al-ibahah ma lam yadullu dalil 'ala tahrimihi*" (the default ruling on all matters is permissibility unless there is clear evidence of prohibition) suggests that egg freezing is inherently permissible unless there is explicit evidence to the contrary. However, further evaluation is required to determine whether this practice has consequences that conflict with Sharia, particularly in terms of lineage and family honor.⁴⁶ In Islamic legal terminology, *nasab* (lineage) refers to a child's recognized relationship with their parents or ancestors, as established by Sharia law. If eggs are frozen before marriage, the resulting child may not have an established paternal lineage, which could have implications for inheritance, guardianship, and other legal matters.⁴⁷

⁴⁴ Syukriya Husni et al., "Determination of Nasab of Children Outside of Marriage in the Islamic Legal System: The Role and Decisions of Religious Courts in Indonesia," *Hakamain: Journal of Sharia and Law Studies* 3, no. 1 (July 10, 2024): 26–36, <https://doi.org/10.57255/HAKAMAIN.V3I1.332>.

⁴⁵ Fakultas Hukum et al., "Transformation of Maqâshid Al-Syari'ah (An Overview of the Development of Islamic Law in Indonesia)," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 11, no. 1 (July 3, 2016): 1–18, <https://doi.org/10.19105/AL-LHKAM.V11I1.854>.

⁴⁶ Asni et al., "The Urgency of Transdisciplinary Approaches in Contemporary Islamic Law Studies."

⁴⁷ Anke Iman Bouzenita and Feryad A. Hussain, "Psychological and Societal Impacts of Unknown Descent and The Islamic Objective of Nasab. A Preliminary Study of Chosen Biomedical Technologies," *IIUM Medical Journal Malaysia* 20, no. 1 (January 1, 2021): 171–186, <https://doi.org/10.31436/IMJM.V20I1.1767>.

Additionally, the principle of "*Sadd al-dzari'ah*" (blocking potential harm) in *usul fiqh* suggests that if an action has the potential to lead to prohibited outcomes, it may be prohibited. If a woman freezes her eggs before marriage or after divorce, there is a risk of misuse, such as fertilization outside a valid marriage, which could lead to unclear lineage. Since maintaining clear lineage is a fundamental concern in Islam, any practice that jeopardizes this clarity could be restricted.⁴⁸ Through *qawa'id fiqhiyyah*, scholars assess egg freezing using general legal principles such as "*Ad-dhararu yuzal*" (harm must be eliminated) and "*Al-umur bimaqashidiha*" (actions are judged by their intentions). It may be deemed permissible if performed to prevent medical harm or secure the possibility of conception within a valid marriage. However, strict adherence to Sharia regulations is necessary to prevent misuse.⁴⁹

From a *maqashid syariah* perspective, one of the primary objectives of Sharia is the preservation of *hifz al-nasl* (lineage). If egg freezing is performed before marriage or after divorce, concerns arise regarding its potential misuse, which could disrupt the Islamic system of lineage. While this technology offers reproductive opportunities, clear Islamic guidelines must be established to prevent unintended consequences. Thus, regulations ensuring compliance with Islamic law are essential to maintaining social and legal order within the Sharia framework.⁵⁰ Therefore, collective *ijtihad* is highly recommended, even deemed necessary, in resolving the legal and ethical complexities surrounding *nasab* (lineage status) in cases involving oocyte cryopreservation. This collaborative scholarly effort is essential to constructing a transformative framework within contemporary *fiqh*, ensuring that Islamic legal thought remains responsive and adaptive to biomedical advancements while maintaining its normative foundations. Through collective *ijtihad*,

⁴⁸ Arip Purkon, "Rethinking of Contemporary Islamic Law Methodology: Critical Study of Muhammad Shahrūr's Thinking on Islamic Law Sources," *HTS Teologiese Studies / Theological Studies* 78, no. 4 (March 16, 2022): 7, <https://doi.org/10.4102/HTS.V78I4.7152>.

⁴⁹ Shiraz Khan, "Collective Ijtihad: Regulating Fatwa in Postnormal Times: (By Hossam Sabry Othman)," *American Journal of Islam and Society* 41, no. 3-4 (December 23, 2024): 102-107, <https://doi.org/10.35632/AJIS.V41I3-4.3561>.

⁵⁰ Ahmad Fauzan Nufus and Ilma Silmi, "The Problems of Neuroparenting Based on Contemporary Islamic Family Law," *MILRev: Metro Islamic Law Review* 3, no. 2 (December 11, 2024): 198-216, <https://doi.org/10.32332/MILREV.V3I2.9791>.

diverse expert perspectives ranging from Islamic jurisprudence to medical ethics can be integrated to formulate rulings that are contextually relevant and jurisprudentially sound.

Analytical Table: The Formulation of Contemporary Fiqh through the Collective *Ijtihad* Approach in Addressing Lineage Issues Related to Egg Freezing

Main Theme	Brief Description	Implication for the Formulation of Contemporary Fiqh
Concept of Collective <i>Ijtihad</i>	A dynamic and participatory approach in Islamic law involving scholars from various disciplines.	Ensuring the relevance and contextualization of Islamic law in response to emerging issues such as reproductive technology.
Multidisciplinary Collaboration	Involving cooperation among Islamic jurists, medical experts, and legal scholars to examine egg freezing.	Facilitating inclusive and responsive legal rulings that reflect scientific, ethical, and socio-legal complexities.
Medical Procedures of Egg Freezing	Including ovarian stimulation, oocyte retrieval, and vitrification techniques.	Providing scientific grounding for juristic evaluation and legal deliberation in Islamic rulings.
Medical and Social Objectives of Egg Freezing	Aimed at preserving fertility, particularly for women facing medical treatments or delaying pregnancy for personal reasons.	Supporting the application of <i>maslahah</i> (public interest) in legal considerations that safeguard women's reproductive rights.
Juristic Evaluation by Scholars	Scholars refer to the Qur'an, Hadith, <i>maqasid al-shari'ah</i> , <i>usul al-fiqh</i> , and <i>qawa'id fihiyyah</i> .	Demonstrating methodological rigor in deriving legal opinions that uphold Sharia principles while engaging with contemporary issues.
Legal Concerns of Lineage	Freezing eggs before marriage raises concerns about the legitimacy of lineage, with implications for inheritance and guardianship.	Legal prudence is required to uphold <i>hifz al-nasl</i> (the protection of lineage) and to prevent deviations from Sharia law. Such actions are permissible only within the bounds of a lawful marriage.
Relevant Fiqh Principles	Including: <i>al-asl fi al-ashya' al-ibahah</i> , <i>sadd al-dhari'ah</i> , <i>al-darar yuzal</i> , <i>alumur bi-maqasidiha</i> .	Offering a flexible yet normative legal framework for addressing emerging biomedical issues.
<i>Maqasid al-Shari'ah</i> Approach	Prioritizing the preservation of lineage as one of the core objectives of Islamic law.	Ensuring that rulings are not only textually valid but also socially and ethically meaningful.
Necessity of Collective <i>Ijtihad</i>	Considered essential in resolving complex legal-ethical challenges surrounding lineage in egg freezing cases.	Reinforcing the need for methodological innovation to maintain the responsiveness and integrity of Islamic legal thought.

Source: Author's Interpretation

The formulation of contemporary fiqh through the collective *ijtihad* approach has proven to be an effective and relevant method for addressing lineage-related issues arising from egg freezing. By integrating the perspectives of Islamic scholars, medical professionals, and legal experts, this approach produces contextual legal decisions that are responsive to technological advancements and firmly grounded in normative Islamic principles such as *hifz al-nasl* (preservation of lineage), *maslahah* (public interest), and *maqasid al-shari'ah* (objectives of Islamic law). This model not only maintains the integrity of classical jurisprudence but also expands the scope of *ijtihad* to encompass the complex ethical challenges posed by modern biotechnologies. Interdisciplinary collaboration is essential in ensuring the validity, relevance, and feasibility of legal rulings.

By employing the frameworks of *usul al-fiqh*, *qawa'id fiqhiyyah*, and *maqasid al-shari'ah*, the practice of egg freezing may be considered permissible within specific boundaries—particularly when conducted within a lawful marriage and with the intention of preserving progeny. However, this practice carries the risk of misuse if not strictly regulated. Therefore, collective *ijtihad* is deemed essential for formulating fiqh-based regulations that prevent lineage ambiguity and uphold the social order in accordance with Islamic values. The findings of this study lay a crucial foundation for the development of adaptive, accountable, and jurisprudentially sound Islamic legal thought in response to emerging challenges in reproductive technology.

Conclusion

The rapid development of reproductive technologies has presented novel, legal, and ethical challenges within Islamic jurisprudence, particularly concerning the practice of egg freezing. Although this technique enables women to postpone pregnancy, complexities emerge when oocytes are preserved prior to a marital contract and subsequently utilized after marriage, thereby raising significant questions about the legitimacy of lineage. Addressing such issues necessitates contemporary fiqh scholarship that employs a collective *ijtihad* methodology, ensuring consistency with the overarching objectives of *maqasid al-shari'ah* (Islamic law). The implementation of collective *ijtihad*

has proven to be a constructive framework for formulating legal responses to lineage-related concerns arising from egg freezing. This method begins with medical specialists outlining the technical processes involved, including ovarian stimulation, retrieval of mature oocytes, and vitrification to preserve egg viability. Afterward, Islamic jurists engage in critical analysis through diverse jurisprudential perspectives. From these deliberations, a consensus emerges that egg freezing is permissible when performed within the boundaries of a valid marital relationship and in alignment with the principle of *hifz al-nasl* (preservation of lineage). Further research is recommended to deepen interdisciplinary analyses on the impact of egg freezing on social dynamics, legal frameworks, and women's reproductive health, ultimately generating new findings that align with contemporary developments. It is recommended that future research develop a more comprehensive interdisciplinary analysis of the impact of oocyte cryopreservation (egg freezing) on social dynamics, the construction of contemporary Islamic legal frameworks, and women's reproductive health.

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AUTHOR CONTRIBUTIONS STATEMENT

This research resulted from close collaboration among all authors, each contributing significantly to the completion of the study. Edi Susilo played a central role in formulating the core research problem, developing the conceptual framework, and

overseeing the project's overall direction. Budi Santoso contributed primarily to the collection and organization of data, conducted the analysis, and provided key insights while interpreting results. Yessy Eka Ambarwati was actively involved in reviewing relevant literature, drafting substantial parts of the manuscript, and refining the narrative to ensure clarity and coherence. All authors engaged in critical discussions throughout the research process, approved the final version of the manuscript, and are collectively responsible for the integrity and quality of the work.

CONFLICT OF INTEREST

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper. This research was conducted independently, and all authors affirm that no conflicts could have affected the objectivity or integrity of the study.

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