
The Law of Test Tube Babies in the Qur'an

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Abstrak

Perkembangan teknologi reproduksi buatan, khususnya fertilisasi in vitro (IVF), telah memunculkan berbagai persoalan hukum dan etika dari perspektif Islam. Penelitian ini bertujuan untuk mengkaji hukum IVF berdasarkan Al-Qur'an, dengan menelusuri ayat-ayat terkait penciptaan manusia, keturunan, dan batasan-batasan hubungan suami istri. Metode yang digunakan adalah pendekatan kualitatif dengan analisis tafsir tematik (maudhu'i), mengkaji pendapat para ulama tafsir klasik dan kontemporer. Hasil penelitian menunjukkan bahwa IVF dapat dibenarkan dalam Islam jika dilakukan dalam kerangka pernikahan yang sah antara suami istri, tanpa melibatkan pihak ketiga (seperti donor sperma, ovum, atau rahim pengganti). Al-Qur'an tidak secara eksplisit menyebutkan teknologi IVF, tetapi prinsip-prinsip dasar nasab, kehormatan keluarga, dan tujuan pernikahan menjadi dasar penentuan keabsahan praktik ini. Dengan demikian, hukum IVF dalam Al-Qur'an bersifat kondisional, tergantung pada proses dan pihak-pihak yang terlibat.

Keywords :

Test tube babies, Al-Qur'an, Islamic law, artificial reproduction, lineage.

Abstract

The development of artificial reproductive technology, especially in vitro fertilization (IVF), has raised various legal and ethical issues from an Islamic perspective. This study aims to examine the law of IVF based on the Qur'an, by tracing verses related to human creation, offspring, and the limitations of husband and wife relations. The method used is a qualitative approach with thematic interpretation analysis (maudhu'i), examining the opinions of classical and contemporary scholars of interpretation. The results of the study indicate that IVF can be justified in Islam if it is carried out within the framework of a legal marriage between a husband and wife, without involving a third party (such as a sperm donor, ovum, or surrogate uterus). The Qur'an does not explicitly mention IVF technology, but the basic principles of lineage, family honor, and the purpose of marriage are the basis for determining

the validity of this practice. Thus, the law of IVF in the Qur'an is conditional, depending on the process and parties involved.



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INTRODUCTION

Science and technology in the field of medicine know that it is developing very rapidly and has a positive impact on humanity. One of the discoveries in this field is that new production methods have been discovered by humans, which in medical terms we call in vitro infertility or commonly called test tube babies. The history of test tube babies began with efforts to get offspring for married couples who experience fertility problems. Before the test tube baby program was discovered, artificial insemination was known as a method to solve this problem. Artificial insemination is done by spraying a number of the husband's semen fluid into the wife's uterus using a syringe. In this way, sperm is expected to easily meet the egg, the success rate of the artificial insemination method is only 15%. With the increasing development and advancement of medical science and technology, now most of the causes of infertility can be overcome by administering drugs or surgery. In vitro fertilization (fertilization in a test tube) or often referred to as test tube babies is one of the reproductive technologies. In essence, the IVF program aims to help couples who are unable to give birth naturally due to abnormalities in their tubes, endometriosis (inflammation of the uterine lining), oligospermia (poor husband's sperm), unexplained infertility (the cause cannot be explained), and immunological factors (immunity factors) (Fitri Hayati Kurnia, 2024). Living in a household is a natural demand of humans as social beings. Humans are born with different shapes and different characteristics so that each complements each other, needs each other. Longing for offspring is happiness for couples and can be a solace in silence, as well as the main supporter of creating a peaceful life as a manifestation of love and affection (Anindya Nurvianti Rahima, 2023)

As far as the author's research is concerned, there is still no similar research, but there are several similar studies in different contexts Febri Handayani with the title Problematics of IVF According to Islamic Law The problem of IVF, if IVF, if the sperm and ovum that are brought together come from a legitimate husband and wife, then it is permitted. But if the sperm and ovum that are brought together do not come from a legitimate husband and wife, then it is not permitted, even considered as disguised adultery. IVF is permitted for legitimate husbands and wives, because its benefits are very great in household life. for husbands and wives who really long for a child, but cannot process naturally, then after being processed through IVF, the longed-for child will soon be present by their side. this is where the benefit lies, so that its permissibility is based on the mashlahat al mursalah. Apart from that, Irham Dongoran with the title of the article Test Tube Babies in the Review of Islamic Law (Analysis of Maqasid Syari'ah) (1) The results of this article are test tube babies with a system without the involvement of a third party (sperm and egg cells from husband and wife) and

transferred to the wife's womb. The law is forbidden and the birth of the child is to the mother who conceived and gave birth to him. (2) IVF In the concept of maqasid shari'ah, it is one of the media that contributes to realizing 1. Hifzu Ad-din (protection of religion), 2. Hifzu An-Nafs (protection of the soul)

RESEARCH METHODS

This research is a qualitative research with the type of research study (*Library Research*) The method used in this study is the Descriptive Analysis method with a phenomenological approach, the material in this study is the verses of the Qur'an that discuss or are related to test tube babies , in accordance with the theme raised in this study, namely test tube babies in the Qur'an , so that conclusions will be obtained on this problem.

RESULTS AND DISCUSSION

Definition of Test Tube Baby

A test tube baby is an individual (baby) whose creation process occurs outside the woman's body (*in vitro*) , or in other words, a baby whose creation process is achieved by artificial insemination, which is a way of inserting sperm into the woman's genitals without intercourse. In Arabic, artificial insemination is called: *At-Taqiqihus-Sina'i*. The test tube baby process is sperm and ovum that have been brought together in a tube, where after fertilization occurs , they are then nested in the woman's uterus, until the baby is born. Ali Ghufron and Adi Hem Sutomo , stated that what is meant by a test tube baby is: a man's semen that is collected first, then inserted into a woman's uterus.(Syarif Zubaidah, 1999). Masyfuk Zuhdi stated that there are several artificial insemination techniques that have been developed in the medical world, including by taking the husband's sperm and the wife's ovum, then processed in a vitro (tube) and after fertilization occurs then transferred into the wife's uterus. From the definition of the test tube baby above, it can be understood that the test tube baby is born as a result of the process of taking male sperm and female ovum which are then mixed in a tube and after fertilization occurs, then nested into the woman's uterus, so that it can grow into a fetus like a fetus in general. The definition of male sperm , in the definition above, can be taken from her husband's sperm, and can also be taken from another man (not her husband). The definition of female ovum , in practice, does not rule out the possibility that the ovum taken is from his wife or from a woman other than his wife. Likewise, the definition of a woman's uterus, it could be that the one who is pregnant is his own wife and it could also be another woman (not his wife) (Syarif Zubaidah, 1999).

Types of IVF when viewed from the perspective of sperm and ovum and where the embryo is transplanted, IVF can be divided into 8 types, namely:

- 1) Test tube babies use sperm and ovum from a married couple, then the embryo is transplanted into the wife's uterus;

- 2) Test tube babies use sperm and ovum from a married couple, then the embryo is transplanted into the uterus of a surrogate *mother* .
- 3) Test tube babies use sperm from the husband and the ovum comes from a donor, then the embryo is transplanted into the wife's uterus.
- 4) Test tube babies use sperm from a donor, while the ovum comes from the wife and the embryo is transplanted into the wife's uterus;
- 5) Test tube babies use donor sperm, while the ovum comes from the wife and the embryo is transplanted into the *surrogate mother's uterus* .
- 6) Test tube babies use sperm from the husband, while the ovum comes from a donor, then the embryo is transplanted into the surrogate uterus.
- 7) Test tube babies use sperm and ovum from a donor, then the embryo is transplanted into the wife's uterus.
- 8) Test tube babies use sperm and ovum from a donor, then the embryo is transplanted into a surrogate uterus. (Nurlely Darwis²⁰¹⁵)

The eight types of IVF above can be done technologically, but in cases of use of IVF technology only 5 (five) types are covered, namely: the first, second, third, fourth and seventh types. And why have the five types been determined, while the other types have not been implemented? This is because the condition of the husband and wife when wanting a child chooses one of the five types, and the choice depends on the factors causing infertility of each (Syarif Zubaidah, 2002).

The Law of Test Test Tube Babies and Their Relationships

For artificial insemination with husband's sperm, either by taking the husband's sperm and then injecting it into the vagina or by fertilization outside the uterus (IVF), according to scholars, this is permitted if the husband and wife really need offspring. In principle, artificial insemination is permitted if the circumstances really force the couple to do it and if it is not done it will threaten the integrity of their household. This is in accordance with the rules of Usul al-Fiqh (Afif Muamar, 2013):

الحاجة تنزل منزلة الضرورة عامة كانت او خاصة

Hajat (very important needs) are treated as if in a state of emergency, whether general or specific.

Of the 5 (five) types of IVF that have been proven to be successful, in this article only 3 (three) types will be discussed, namely:

First , a child born through the IVF process using sperm and ovum from a husband and wife, then the embryo is transferred into the wife's womb. Although the issue of children is God's business, humans (husband and wife) who are infertile still try and endeavor to get offspring. One way is to use the IVF technique which uses sperm and ovum from a husband and wife, then the embryo is transplanted into the wife's womb. But the question is what is the status of the child born by the wife? To answer this question, the following are the opinions of Islamic religious leaders.

- a) Hasan Basri stated that: "The birth process through IVF techniques according to Islam is permitted and valid, as long as the sperm and egg cells are from a married couple. This is due to the development of science that leads to IVF with positive results that should be appreciated. And this is a gift from God, because you can imagine a married couple who have been longing for a child for 14 years can have their wish fulfilled."
- b) Husein Yusuf stated that: "In vitro fertilization is carried out when the sperm and ovum of a husband and wife are processed in a test tube, after fertilization occurs, then they are implanted in the wife's womb until birth, then the child can automatically be related by descent to the father and mother, and the child has a legitimate position according to Islamic law. (Syarif Zubaidah, 2002).
- c) According to Mahmud Syaltut, if the pregnancy process uses the husband's own semen to fertilize his wife's ovum, then it is in accordance with the law and Shari'a whose rules are intended for honorable humans and such insemination is an act that does not involve sin. On the other hand, if fertilization is not carried out with the husband's semen, it is not permissible. According to Yusuf al-Qardawi, if fertilization is carried out not from the husband's semen, then there is no doubt that this is a very bad crime, and an evil act that is greater than adoption. (Afif Muamar, 2015)

Then the Decree of the Indonesian Ulema Council Number: Kep-952/MUI/XI/1990 concerning artificial insemination/test tube babies, dated 26 November 1990, stated that: artificial insemination/test tube babies with sperm and ovum taken from a legally married couple according to muhtaram, is permitted by Islam, as long as they are in a valid marriage bond. legitimate. From several opinions and views above, it can be stated that the use of IVF technology does not cause problems, as long as the IVF developed uses sperm and ovum from a husband and wife, then the embryo is transplanted into the wife's uterus. As a consequence, the child born by the wife is a legitimate child and can be equated with a child born naturally (biological child) and has the same rights and obligations. *Second*, children born through the IVF process using sperm and ovum from a husband and wife couple whose embryos are transferred into the womb of a surrogate mother. Can children born through the IVF process using *the surrogate mother method* be qualified as breast-feeding children or not? To answer this question, the following are the opinions and views of Islamic scholars:

Ali Akbar said that: "It is permissible to entrust a test tube baby to a woman who is not the mother, because the mother did not impregnate it, because her womb was disturbed, while breast-feeding a child to another woman is permissible in Islam, and can even be paid for. So it is also permissible to give wages to the woman who lends her womb. The views and opinions above clearly state that the *surrogate mother method* is permissible and this method is equated with nursing motherhood which is known in Islam. With this confirmation, the child will naturally those born to *surrogate mothers* can be qualified as foster children. Husein Yusuf gave similar comments to Ali Akbar.

He said that the status of children born by entrustment is still children who have seeds and the mother who gave birth is the same as a foster mother. (Syarif Zubaidah, 2002)

Third, children who are born through the IVF process with donor sperm and/or ovum are not explicitly mentioned in the Qur'an, specifically regarding the position of children who are born through the IVF process using donor sperm and the ovum comes from the wife, then the embryo is transplanted into the wife's womb.

In the Hadith of the Prophet Muhammad SAW it is stated that: "*There is no greater sin in the sight of Allah after shirk than a man who puts his semen into the womb of a woman who is not lawful for him.*"

If we examine this hadith, it is clear that placing sperm into a woman's womb that is not lawful for Him is a major sin after shirk to Allah SWT. Based on the word of Allah and the Hadith of the Prophet Muhammad SAW, it can be stated that a wife is not allowed to receive sperm from another person, whether it is done physically or in the form of a pre-embryo. And this last thing is analogous to the use of donor sperm. Because here the donor does not do it. And if this is also done by the wife, then this is also a major sin.

after shirk. The position of the child is as a child of adultery. (Syarif Zubaidah, 2025).

Meanwhile, according to Islamic law, the inheritance rights of IVF children are entitled to the inheritance of their father's and mother's property, if the seeds used are from both parents who are married. However, if there are foreign elements (seeds and reproductive sites) in the fertilization process, then the inheritance rights can only be connected to the mother and her mother's family. However, if the child is produced by IVF techniques by renting a womb, then the inheritance cannot be connected to the mother who gave birth but to the parents who have the seeds of the child born (Anas Ibnu Safaruddin, 2012)

Interpretation of Al-Quran Verses Relating to Test Test Tube Babies

1. Permissible efforts

Nahdatul Ulama (NU) has apparently issued a fatwa regarding the issue of the IVF program, at the National Conference of Islamic Scholars Forum in Kaliurang Yogyakarta in 1981. There were three decisions issued by NU scholars regarding the issue of IVF:

- a. If the sperm that is saved and inserted into the woman's womb does not belong to the legal husband and wife, then IVF is haram. This is based on a hadith narrated by Ibn Abbas, Rasulullah said: "There is no greater sin after shirk in the sight of Allah, compared to the act of a man placing his sperm (committing adultery) in the womb of a woman who is not halal for him."
- b. If the stored sperm belongs to the husband and wife, but the method of ejaculation is not *muhtaram*, then the law is also haram. "Semen muhtaram is semen that comes out/is released in a way that is not prohibited by sharia." This is the fatwa of NU Ulama. Regarding semen that is released muhtaram, NU scholars cite the legal basis of Kifatul Akhyar II/113. "if a man tries to ejaculate his sperm with his wife's hand,

then it is permissible, because the wife is indeed a place or vehicle that is permitted for having fun."

c. If the semen that is processed in the tube is the semen of a husband and wife and the way it is removed is muhtaram, and it is inserted into the wife's own womb, then the law of IVF becomes permissible. The existence of a study of the problem of artificial insemination according to Islam should be studied using a multidisciplinary approach by Muslim scholars and intellectuals from various relevant disciplines. This is done with the hope that a truly proportional and fundamental legal conclusion can be obtained for the sake of implementing an IVF program that is truly considered halal (Nurlely Darwis, 2015) In relation to the creation of humans, Allah has emphasized that:

هُوَ الَّذِي خَلَقَكُمْ مِنْ تُرَابٍ ثُمَّ مِنْ نُطْفَةٍ ثُمَّ مِنْ عَلَقَةٍ ثُمَّ يُخْرِجُكُمْ طِفْلًا ثُمَّ لِتَبْلُغُوا أَشُدَّكُمْ ثُمَّ لِتَكُونُوا شُيُوخًا ۖ وَمِنْكُمْ مَنْ يُتَوَفَّىٰ مِنْ قَبْلُ ۗ وَلِتَبْلُغُوا أَجَلًا مُّسَمًّىٰ وَلِعَلَّكُمْ تَعْقِلُونَ

It is He who created you from dirt, then from a drop of semen, then from a clot of blood, then gave birth to you as a child, then (you were left alive) so that you could reach (adulthood), then (you were allowed to live again) until you were old, some of you were passed away before that. (We did this) so that you may reach your appointed death and so that you understand (it). (Al Mu'min: 67) (Departemen Agama, 2019)

The verse above states that He is the Almighty who created you, O sons and daughters, from dust, then from a drop of sperm that meets the ovary and unites in the womb, after which the alaqah occurs, then after six months or more He takes you out of your mother's wombs, each of you as a small child, then you are nurtured by giving you physical and spiritual strength so that you reach maturity, then some are left to live again so that you become old people who are weak in body and mind.

نُطْفَةٍ ۖ contains several meanings, including sperm and even parts of sperm. Scientists call it spermatozoa, found in male sperm. Sperm that fertilizes the egg. Kata عَلَقَةٍ In terms of etymology, it is defined as thick blood or thin blood that is red in color. Meanwhile, embryologists understand the word *alaqah* as fetal cells that attach to the uterine wall after fertilization of the ovum by spermatozoa. The cells are initially one, then move towards the uterine wall and sink further and then cause subsequent bleeding. (Quraish Shihab, 2002) As in surah al Hajj: 5

يَا أَيُّهَا النَّاسُ إِنَّ كُنْتُمْ فِي رَيْبٍ مِّنَ الْبَعْثِ فَإِنَّا خَلَقْنَاكُمْ مِنْ تُرَابٍ ثُمَّ مِنْ نُطْفَةٍ ثُمَّ مِنْ عَلَقَةٍ ثُمَّ مِنْ مُّضْغَةٍ مُّخَلَّقَةٍ وَغَيْرِ مُّخَلَّقَةٍ لِّنُبَيِّنَ لَكُمْ ۗ وَنُقَرُّ فِي الْأَرْحَامِ مَا نَشَاءُ إِلَىٰ أَجَلٍ مُّسَمًّىٰ ثُمَّ نُخْرِجُكُمْ طِفْلًا ثُمَّ لِتَبْلُغُوا أَشُدَّكُمْ ۗ وَمِنْكُمْ مَنْ يُتَوَفَّىٰ وَمِنْكُمْ مَنْ يُرَدُّ إِلَىٰ أَرْذَلِ الْعُمُرِ لِكَيْلَا يَعْلَمَ مِنْ بَعْدِ عِلْمٍ شَيْئًا ۗ وَتَرَىٰ الْأَرْضَ هَامِدَةً فَإِذَا أَنزَلْنَا عَلَيْهَا الْمَاءَ اهْتَزَّتْ وَرَبَتْ وَأُنْتَبَتْ مِن كُلِّ زَوْجٍ بَهِيجٍ

created you from dust, then from a drop of semen, then from a clot of blood, then from a lump of flesh that is perfect in its occurrence and that which is imperfect, so that We

may explain to you and We establish in the womb, what We will until a predetermined time, then We bring you out as babies, then (gradually) you come to maturity, and among you there are those who died and (there are also) among you whose lives were prolonged until old age, so that He would no longer know anything that he previously knew. and you saw that the earth was dry, then when We had sent down water on it, the earth would come alive and become fertile and produce all kinds of beautiful plants. (Departemen Religion, 2010)

2. Efforts that are not permitted

In the Al -Qur'an there is a prohibition on the use of donor sperm, explained in Surah Al-Baqarah: 223

نِسَاؤُكُمْ حَرْثٌ لَّكُمْ فَأْتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ ۖ وَقَدِّمُوا لِأَنفُسِكُمْ ۗ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّكُمْ
مُلَاقُوهُ ۗ وَبَشِّرِ الْمُؤْمِنِينَ

Your wives are (like) the land where you cultivate, so come to the land where you cultivate however you wish. and do (good deeds) for yourself, and fear Allah and know that you will meet Him one day. and give the believers good news.

Ibn Kathir interprets نِسَاؤُكُمْ حَرْثٌ لَّكُمْ Isteri-isterimu adalah (seperti) tanah tempat kamu bercocok tanam artinya, Ibnu Abbas mengatakan حَرْثٌ it means a place to bear children.

فَأْتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ So come to your land as you wish, meaning you may meddle in as you wish, from the front or from behind, but only through one path (i.e. through the genitals).

Furthermore, Allah says in Q. An Nur: 30

قُلْ لِّلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ۗ ذَٰلِكَ أَزْكَىٰ لَهُمْ ۗ إِنَّ اللَّهَ خَبِيرٌ بِمَا
يَصْنَعُونَ

Say to men who believe: "Let them restrain their gaze, and guard their private parts; that is purer for them. Indeed, Allah is All-Knowing of what they do." Say to women who believe: "Let them restrain their gaze, and their private parts, and let them not reveal their ornaments, except what is (normally) visible from them. (Departemen Agama, 2010)

From the verse above, there is a nuance ordering men (husbands) to sow their seeds (sperm) to their wives and not to others. Likewise, wives must receive sperm from their husbands because wives are fields for their husbands. Also ordering husbands and wives to guard their gaze and genitals. For the IVF program and process, the word of Allah can be interpreted as a warning if the IVF will be carried out using the help of a sperm donor or donor ovum. This condition can be categorized as a prohibited effort and the results are declared unlawful because they are the same as adultery. Thus the birth of the child can also be declared illegitimate, therefore the child's lineage is only related to the mother who gave birth to him. This is in

accordance with the decision of Nahdatul Ulama regarding test tube babies: "If the sperm that is stored and inserted into the woman's womb does not belong to the legitimate husband and wife, then the test tube baby is haram". In line with the above principle, in this case the Islamic Ulema Council has issued a fatwa from the MUI with Number: Kep-952 / MUI / XI / 1990 concerning Artificial Insemination / test tube babies. In this fatwa, the Ulama clearly prohibit the use of test tube baby technology from a married couple who is entrusted to the womb of a woman who is not his wife. (Nurlely Darwis, 2002)

CONCLUSION

A test tube baby is an individual (baby) whose creation process occurs outside the woman's body (*in vitro*), or in other words, a baby whose creation process is achieved through artificial insemination, which is a way of inserting sperm into the woman's genitals without intercourse. In Arabic, artificial insemination is called: *At-Taiqihus-Sina'i*. The IVF process is sperm and ovum that have been brought together in a tube, where after fertilization occurs, it is then implanted into the woman's uterus, until it is time to be born. Hasan Basri stated that: "The birth process through IVF techniques according to Islam is permissible and valid, as long as the sperm and egg cells are from a married couple. This is due to the development of science that leads to IVF with a positive attitude that should be appreciated. And this is a gift from Allah, because you can imagine a married couple who have been longing for a child for 14 years can have their wish fulfilled" ah the baby. Verses related to IVF Permitted efforts (Al Mu'min: 67). What is not permitted The Qur'an commands men (husbands) to sow their seeds (sperm) to their wives and not to others. Likewise, conversely, wives must receive sperm from their husbands because the wife is a field for her husband. This means that if IVF does not use the husband's partner's sperm, then it is not permitted.

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