

## el-Bait: Jurnal Hukum Keluarga Islam

ISSN: 2827-7996

E-ISSN: 2828-0652

DOI: 10.53515

<https://elbait.unikhmas.ac.id/index.php/IHKI/index>

# Lineage and Status of Children from the Perspective of the Qur'an: An Exegetical Study of Adoption and Test Tube Babies

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### Article History:

**Received:** 5 April 2026. **Revised:** 6 Mei 2026. **Published:** 16 Juni 2026.

### Abstract

This study affirms that *nasab* (lineage) constitutes the foundational pillar of Islamic family law, with the Qur'an explicitly prohibiting adoption (*tabanni*) that alters biological genealogy while permitting child fostering (*kafalah*) as a humane alternative. The analysis demonstrates that In Vitro Fertilization (IVF) is conditionally permissible exclusively within valid marriage using spouses' own gametes, whereas surrogacy and third-party gamete donation remain categorically prohibited due to *nasab* integrity violations. Furthermore, *radha'ah* (foster nursing) serves as the sole *Shari'ah* mechanism for establishing limited *mahram* relationships without modifying biological lineage, contingent upon strict procedural requirements. The *Maqāṣid al-Syari'ah* framework effectively reconciles divine lineage preservation (*ḥifẓ al-nasl*) with contemporary bioethical challenges through collective scholarly deliberation (*ijtihād jamā'i*), ensuring technological advancements serve rather than subvert essential *Shari'ah* objectives. Ultimately, Islamic law maintains an equilibrium between compassion for vulnerable children and the inviolable sanctity of biological descent, offering a coherent paradigm for addressing modern reproductive dilemmas without compromising foundational ethical principles.

**Keywords:** nasab, islamic law, reproductive technology

## Introduction

Nasab (lineage) constitutes a foundational pillar in Islamic family law, serving not merely as a biological marker but as the primary determinant for critical legal rulings, including inheritance (*mawārith*), guardianship (*wilāyah*), and marital prohibitions (*mahram*) (Aslati et al., 2024; Azwar et al., 2024). In Islamic jurisprudence, the preservation of clear lineage (*ḥifẓ al-nasl*) is recognized as one of the essential objectives of Sharia (*maqāṣid al-sharī'ah*), ensuring individual identity, social stability, and the protection of familial rights (Azizi, 2023). Classical Islamic law strictly ties legitimate filiation to a valid marriage, wherein nasab establishes unbreakable ties to both parents, thereby dictating inheritance shares, legal guardianship, and social obligations (Azni et al., 2023; Tarmizi, 2020). Consequently, any disruption or ambiguity in lineage directly impacts an individual's legal standing, inheritance rights, and social integration within Muslim communities, underscoring the necessity of preserving genealogical clarity (Musafa'ah et al., 2023; Ula et al., 2020).

The rapid advancement of contemporary medical science and assisted reproductive technology (ART) has introduced unprecedented challenges to these classical nasab paradigms (Honainah et al., 2023; Syamsuddin, 2020). *In vitro* fertilization (IVF), commonly referred to as “test-tube babies,” enables conception by combining sperm and ovum outside the human body before embryo transfer, offering viable pathways for infertile couples (Kenyatun, 2020; Kholilulloh et al., 2023). While IVF utilizing gametes from a legally married couple is widely permitted by contemporary scholars and regulated under national health frameworks (Diani, 2020; Nasikhin et al., 2022), practices involving third-party gamete donation or surrogate motherhood spark intense juridical debate (Arifin & Gultom, 2024; Majid et al., 2022). Islamic authorities, including the Indonesian Ulema Council (MUI), consistently prohibit third-party involvement due to the high risk of lineage confusion (*ikhtilāṭ al-ansāb*), which contravenes core Qur'anic principles on preserving progeny and marital boundaries (Adib et al., 2023; Kumala, 2020).

Parallel to medical innovations, contemporary social dynamics have revived debates surrounding child adoption (*tabannī*) as an alternative pathway for childless couples (Honainah et al., 2023; Yunus & S, 2021). Unlike Western legal frameworks that often grant adopted children full familial status, Islamic law explicitly prohibits *tabannī*—the practice of legally attributing an adopted child to the adoptive father's lineage—as it contradicts biological reality and divine injunctions (Q.S. Al-Aḥzāb: 4–5) (Ismail, 2021; Sagita, 2020). Instead, Islam endorses *kafālah* (foster care/guardianship), which permits compassionate upbringing without severing the child's original nasab or altering inheritance and *mahram* regulations (Aisyah, 2020; Rizqi & Lathifah, 2025).

Despite these clear doctrinal boundaries, modern adoption practices frequently blur these distinctions, creating legal ambiguities regarding guardianship rights, marital eligibility, and intergenerational wealth transfer within Muslim-majority jurisdictions (Husein, 2026; Saepuddin, 2023).

Although existing literature has addressed nasab, IVF, and adoption in isolation, there remains a critical scholarly gap in synthesizing these contemporary issues through a cohesive Qur'anic exegetical and *maqāṣid*-oriented framework (Dongoran, 2020; Irbah, 2024). Current studies often focus narrowly on biomedical permissibility or civil law compliance, overlooking the integrated theological, juridical, and socio-legal implications of nasab preservation in modern contexts (Ramadhani et al., 2020; Tauratiya, 2022). Furthermore, practical mechanisms to reconcile compassionate child-rearing with strict nasab boundaries—such as the classical concept of *raḍā'ah* (breastfeeding kinship)—require renewed contextual analysis to address evolving family structures and contemporary ethical dilemmas (Al-Aina et al., 2023; Huda, 2021). This disconnect between classical jurisprudence, modern medical/social practices, and contemporary legal frameworks necessitates a systematic re-examination grounded in primary Qur'anic sources and the overarching objectives of Islamic law.

Therefore, this study aims to comprehensively analyze the nasab status of adopted children and IVF-born offspring through a contemporary Qur'anic exegetical lens, while evaluating the applicability of *raḍā'ah* as a sharia-compliant mechanism for establishing *mahram* relations. Specifically, it seeks to (1) delineate the Qur'anic foundations governing lineage preservation in light of modern adoption and reproductive technologies, (2) assess the legal and social implications of nasab determination for inheritance, guardianship, and familial ethics, and (3) propose policy-aligned recommendations that harmonize biomedical advancements and social welfare practices with *maqāṣid al-sharī'ah*. By bridging classical *tafsīr* with contemporary bioethical and legal discourses, this research contributes to the development of adaptive Islamic family law frameworks that safeguard lineage integrity while upholding child welfare and social justice in the 21st century (Irwansyah, 2020; Majid et al., 2022; Syamsuddin, 2020).

## Method

This study employs a qualitative library research design with a normative-descriptive approach to examine abortion through the dual lenses of classical Islamic jurisprudence and contemporary socio-legal dynamics. Primary data are systematically extracted from foundational Islamic texts, including the Qur'an, authenticated Ḥadīth collections, and classical *fiqh* manuals across the four major Sunni schools, supplemented by authoritative contemporary fatwas issued by the Indonesian Ulema

Council (MUI). Secondary data encompass national health legislation (e.g., Law No. 36/2009 and Law No. 17/2023), peer-reviewed sociological and legal scholarship, and global public health reports on reproductive trends. By integrating doctrinal textual analysis with contextual socio-legal mapping, this methodology enables a rigorous exploration of how Islamic legal principles are interpreted, adapted, and applied in response to modern reproductive challenges.

The analytical framework is anchored in *maqāṣid al-syarī'ah* (the objectives of Islamic law), with focused emphasis on the preservation of life (*ḥifẓ al-nafs*) and the protection of lineage (*ḥifẓ al-nasl*). Collected materials are processed through systematic content analysis and comparative juristic reasoning (*istiqrā'* and *muqāranah*), allowing for the identification of doctrinal flexibilities such as *darūrah* (necessity) and *maṣlaḥah* (public interest). This dual-layered analytical strategy ensures that classical jurisprudential rulings are not treated as static prescriptions, but as dynamic legal instruments capable of addressing contemporary ethical, medical, and human rights considerations while maintaining theological coherence.

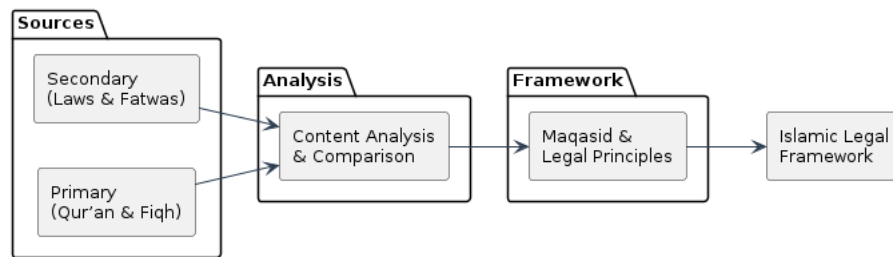


Figure 1. Methodological Framework Diagram

The diagram visualizes the systematic workflow of the research methodology, progressing from foundational design through data acquisition, analytical processing, and final output generation. Beginning with a normative-descriptive architecture, the study extracts primary scriptural evidence and secondary scholarly literature to ensure doctrinal authenticity and contemporary relevance. These inputs are channeled into a tripartite analytical engine: thematic Qur'anic exegesis clarifies divine directives on lineage preservation, the *maqāṣid* lens evaluates the ethical balance between progeny protection and human welfare, and comparative juridical mapping aligns classical rulings with modern reproductive protocols. The integrated outputs yield a structured matrix of legal and social implications, Sharia-compliant kinship mechanisms such as *raḍā'ah*, and actionable policy recommendations, ensuring that the research remains both theologically rigorous and practically applicable to contemporary Islamic family law and bioethics.

## Theoretical review

This section establishes the conceptual and doctrinal foundations underpinning the analysis of *nasab* (lineage), adoption, and *in vitro* fertilization (IVF) within Islamic jurisprudence. The framework integrates classical *fiqh* principles, contemporary Qur'anic exegesis (*tafsīr*), and the objectives of Islamic law (*maqāṣid al-sharī'ah*) to provide a coherent lens for evaluating lineage-related issues in modern contexts.

### 1. The Concept of *Nasab* in Islamic Jurisprudence

*Nasab* is etymologically derived from the Arabic root *nasaba-yansibu-nasaban*, denoting kinship, lineage, or the attribution of descent (Jamil, 2016; Rasyid et al., 2025). Terminologically, *nasab* refers to a legally recognized blood relationship that establishes an individual's identity, familial rights, and social obligations within Islamic law (Azizi, 2023; Azwar et al., 2024). Classical jurists emphasize that *nasab* is primarily established through a valid marriage (*nikāḥ ṣaḥīḥ*) and a minimum gestation period of six months, ensuring the child's legitimacy and protection from social marginalization (Aslati et al., 2024; Tarmizi, 2020).

The Qur'an explicitly safeguards the integrity of lineage, most notably in Sūrah Al-Aḥzāb (33):4–5, which prohibits attributing a child to anyone other than their biological father. This verse, revealed in the context of Zayd ibn Ḥārithah's adoption, abrogated the pre-Islamic practice of *tabannī* that erased biological origins (Husein, 2026; Rofiq et al., 2024). Consequently, *nasab* functions not merely as a genealogical marker but as the foundational determinant for critical legal rulings: inheritance (*mawārīth*), marital guardianship (*wilāyah al-nikāḥ*), maintenance (*nafaqah*), and marital prohibitions (*maḥram*) (Azmi et al., 2023; Ula et al., 2020). Any ambiguity or alteration in *nasab* directly disrupts these interconnected legal domains, underscoring the necessity of preserving genealogical clarity as a core objective of Sharia (*ḥifz al-nasl*).

### 2. Adoption (*Tabannī* vs. *Kafālah*) in Islamic Legal Theory

Islamic jurisprudence distinguishes sharply between *tabannī* (adoption that severs biological lineage) and *kafālah* (foster care that preserves it). *Tabannī*, prevalent in pre-Islamic Arabia, involved legally attributing an adopted child to the adoptive father's lineage, granting full inheritance rights and *maḥram* status. The Qur'an categorically prohibits this practice, affirming that "Allah has not made your adopted sons your [true] sons" (Q.S. Al-Aḥzāb:4) (Ismail, 2021; Sagita, 2020). This prohibition is rooted in the theological principle that lineage is a divine decree (*qadar*) that cannot be altered by human declaration.

Conversely, *kafālah* is strongly encouraged as a communal obligation (*fard kifāyah*) to protect orphaned or abandoned children. Under *kafālah*, the child retains their biological *nasab*, inheritance rights from birth parents, and original family name, while the foster family provides care, education, and emotional support (Rizqi &

Lathifah, 2025; Saepuddin, 2023). However, *kafālah* does not automatically establish *mahram* relations or inheritance rights between the child and foster family. This doctrinal distinction ensures that compassionate child-rearing coexists with the preservation of biological lineage, reflecting Islam's balance between social welfare and legal precision.

### 3. Assisted Reproductive Technology (ART) and *Nasab*: The Case of IVF

*In vitro* fertilization (IVF), or "test-tube baby" technology, involves the union of sperm and ovum outside the human body, followed by embryo transfer to the uterus (Kenyatun, 2020; Kholilulloh et al., 2023). From an Islamic legal perspective, the permissibility of IVF hinges on three critical conditions: (1) the sperm and ovum must originate from a legally married couple, (2) the embryo must be implanted in the wife's uterus, and (3) no third-party involvement (donor sperm, donor ovum, or surrogate mother) is permitted (Nasikhin et al., 2022; Ritonga, 2024).

These conditions derive from the Qur'anic metaphor in Sūrah Al-Baqarah (2):223, which describes spouses as "tilth" (*ḥarth*) for one another, emphasizing that procreation must occur within the exclusive marital bond (Hasanuddin, 2024; Irbah, 2024). When IVF adheres to these parameters, the resulting child is considered legitimate (*walad ṣaḥīḥ*), with full *nasab* rights to both parents, inheritance eligibility, and standard *mahram* relations (Fauzi et al., 2024; Tauratiya, 2022). Conversely, IVF involving third parties introduces *ikhtilāṭ al-ansāb* (lineage confusion), which is prohibited due to its potential to undermine familial integrity, inheritance distribution, and marital boundaries (Arifin & Gultom, 2024; Majid et al., 2022).

### 4. *Maqāṣid al-Sharī'ah* as an Analytical Lens

This study employs the *maqāṣid al-sharī'ah* framework, particularly the preservation of progeny (*ḥifẓ al-nasl*) and the protection of life (*ḥifẓ al-naḥs*), to evaluate the ethical and legal dimensions of adoption and IVF (Dongoran, 2020; Huda, 2021). *Ḥifẓ al-nasl* mandates the maintenance of clear, uncontested lineage to ensure social order, rightful inheritance, and psychological security for children (Aslati et al., 2024; Azizi, 2023). *Ḥifẓ al-naḥs* supports the use of medical interventions like IVF to alleviate the psychological distress of infertility, provided such interventions do not compromise lineage integrity (Irwansyah, 2020; Syamsuddin, 2020).

The *maqāṣid* approach also facilitates a balanced assessment of *maṣlaḥah* (public interest) versus *mafsadah* (harm). For instance, *kafālah* generates *maṣlaḥah* by providing orphaned children with care and stability, while prohibiting *tabannī* prevents the *mafsadah* of lineage falsification. Similarly, IVF without third-party involvement achieves *maṣlaḥah* by enabling procreation within marriage, whereas donor-based IVF

introduces *mafsadah* through potential zina analogies and inheritance disputes (Ramadhani et al., 2020).

### 5. *Raḍā'ah* (Breastfeeding Kinship) as a Sharia-Compliant Mechanism for *Mahram* Relations

To address the *mahram* gap in *kafālah* arrangements, Islamic law recognizes *raḍā'ah* (breastfeeding kinship) as a legitimate means of establishing familial prohibitions. *Raḍā'ah* is defined as the intake of human milk by an infant under two years of age, which, when meeting specific conditions, creates *mahram* relations equivalent to blood kinship (Al-Aina & others, 2023; Az-Zuhaili, 1985). The classical requirements include: (1) the child is under two lunar years, (2) breastfeeding occurs at least five times with satiation (*riḍā'ah mushbi'ah*), and (3) the milk originates from a biologically lactating woman (Zaidan, 1993).

When these conditions are fulfilled, the foster mother becomes a *mahram* to the child, extending *mahram* status to her husband and biological children (Az-Zuhaili, 2013). This mechanism allows foster families to establish permissible intimacy (*ikhtilāṭ*) while preserving the child's biological *nasab*. However, if *raḍā'ah* is not feasible (e.g., the child is over two years old), Islamic law mandates alternative safeguards: maintaining modesty (*ḥijāb*), avoiding seclusion (*khalwah*), and observing respectful interaction norms to uphold *ḥifẓ al-'ird* (protection of honor) (Manangin, 2016; Rizqi & Lathifah, 2025).

## Results and Discussion

### 1. The Conceptual Foundation of *Nasab* in Qur'anic Perspective

#### a. Etymological and Theological Dimensions of *Nasab*

The concept of *nasab* (lineage) holds a central role in Islamic family law as the foundation for determining kinship, legal rights, and social identity. Linguistically derived from the Arabic root *nasaba*, it refers to genealogical connection and descent, emphasizing the biological basis of family relations (Az-Zuhaili, 1985). Scholars such as Wahbah al-Zuhaili define *nasab* as a strong bond rooted in blood relations, forming a continuous chain across generations, while also affirming the certainty of maternal lineage in all circumstances. Beyond its biological dimension, *nasab* carries deep theological significance as part of the objectives of Islamic law (*Maqāṣid al-Syarī'ah*), particularly in the principle of *ḥifẓ al-nasl* (protection of lineage) (Dongoran, 2020). This importance is reflected in the Qur'anic prohibition against altering lineage, as stated in QS. Al-Ahzab [33]: 4–5, which instructs that children should be attributed to their biological fathers as a matter of justice. Thus, *nasab* functions not only as a legal

construct but also as a moral and theological safeguard ensuring clarity of identity and continuity of human lineage in Islam.

**b. Nasab as the Determinant of Legal and Social Status**

The Qur’anic prohibition against altering *nasab* reflects its crucial role in maintaining social and legal order in Islam. In pre-Islamic Arabia, *tabanni* (adoption) allowed children to be fully integrated into adoptive families, including taking the adoptive father’s name, inheriting property, and forming *maḥram* relationships, effectively erasing their biological lineage (Rofiq et al., 2024). Islam rejected this practice, as illustrated by the case of the Prophet Muhammad and Zaid bin Harithah, whose name was restored to his biological lineage following the revelation of QS. Al-Ahzab, emphasizing that divine truth must prevail over social convention. The preservation of *nasab* has wide legal implications, particularly in inheritance (*mīrāth*), guardianship in marriage (*walāyah al-nikāḥ*), and marriage prohibitions (*maḥram*), all of which depend on clear genealogical relationships to ensure justice and proper social structure (Azwar et al., 2024; Ilmi, 2020; Ismail, 2021).

Table 1. Legal Consequences of Nasab in Islamic Family Law

Legal Domain	Biological Child	Adopted Child	IVF Child (Valid)	Illegitimate Child
Inheritance	Full shares	fara'id wasiyyah/hibah only	Full shares	fara'id Maternal side only
Marriage Guardian	Father/paternal relatives	Not applicable	Father/paternal relatives	Mother/maternal relatives
Maḥram Status	All blood relatives	Only through radha'ah	All blood relatives	Mother only
Name/Nasab	Father's lineage	Biological father's name	Father's lineage	Mother's lineage
Maintenance	Obligatory on father	Voluntary (kafalah)	Obligatory on father	Mother's obligation
Social Identity	Legitimate family member	Foster care recipient	Legitimate family member	Protected but stigmatized

The data presented in Table 1 reveals the systematic differentiation that Islamic law maintains based on the mode of a child's entry into a family structure. The most striking contrast appears between the adopted child and the legitimate biological child, where despite sharing the same household and emotional bonds, the adopted child is excluded from automatic inheritance rights and marriage guardianship. This distinction reflects the Qur'anic insistence on maintaining the

integrity of biological lineage even while permitting and encouraging compassionate care for orphaned and abandoned children through the institution of *kafalah* (fostering). The IVF child born within a valid marriage using the spouses' own gametes occupies a position functionally equivalent to the naturally conceived child, demonstrating that Islamic law evaluates the legitimacy of reproductive technology based on its adherence to the foundational principles of marriage and biological continuity rather than the method of conception itself.

## 2. Adoption (*Tabannī*) in the Qur'anic Legal Framework

### a. The Historical Context and Qur'anic Prohibition

In pre-Islamic Arabia, adoption functioned as a strong social and legal institution in which adopted children were fully integrated into families, given the adoptive father's name, and granted inheritance rights like biological children. The Qur'anic revelation later reformed this practice by distinguishing between *kafalah* (permissible child care without changing lineage) and *tabannī* (prohibited adoption that alters lineage, name, and legal status). This distinction allows Islam to support the care and protection of children while preserving genealogical integrity. The prohibition of *tabannī* is rooted in the principle that lineage reflects an objective truth that should not be altered by social constructs, as emphasized in QS. Al-Ahzab [33]: 4, which underscores the importance of aligning social recognition with biological reality.

### b. *Kafalah* as the Islamic Alternative to Adoption

Islamic law promotes *kafalah* (fostering) as an alternative to adoption, allowing children to receive care, education, and emotional support without altering their biological lineage. As affirmed in the *Kompilasi Hukum Islam*, this system preserves the child's *nasab*, inheritance rights from biological parents, and original identity. Unlike *tabannī*, *kafalah* does not grant foster parents full parental status: children do not automatically inherit from them, though support can be given through *wasiyyah* or *hibah*, and no mahram relationship is created, meaning Islamic social boundaries still apply. Despite these limitations, *kafalah* reflects strong ethical values of compassion and responsibility, as exemplified by the Prophet Muhammad's care for foster children, and has been adapted in modern contexts through formal guardianship and foster care systems that protect both the welfare and identity of the child.

Table 2. Comparative Analysis: *Tabannī* vs. *Kafalah* in Islamic Law

Aspect	<i>Tabannī</i> (Prohibited)	<i>Kafalah</i> (Permitted)
Lineage Change	Alters child's <i>nasab</i> to adoptive father	Preserves original biological <i>nasab</i>
Name	Child takes adoptive father's	Child retains biological father's

	name	name
Inheritance	Full inheritance rights as biological child	No automatic inheritance; <i>wasiyyah/hibah</i> permitted
Marriage Guardian	Adoptive father becomes legal guardian	Biological father or his relatives remain guardians
Maḥram Status	Full maḥram with adoptive family	No <i>maḥram</i> ; <i>radha'ah</i> creates limited maḥram
Legal Basis	Pre-Islamic custom ( <i>Jāhiliyyah</i> )	QS. Al-Ahzab [33]: 4-5; QS. Al-Baqarah [2]: 220
Social Recognition	Complete family integration	Foster care with maintained biological identity
Contemporary Form	Civil law adoption systems	State guardianship, foster care, institutional care

The comparative analysis presented in Table 2 illuminates the fundamental incompatibility between the Western civil law concept of adoption and the Islamic legal framework. While both systems seek to provide care for children lacking parental support, Islamic law insists on maintaining the distinction between nurturing relationships and biological kinship. This distinction is not merely technical but reflects a worldview in which lineage constitutes an immutable divine decree rather than a mutable social construct. The table also reveals that *kafalah*, despite its more limited legal consequences, provides a robust framework for child welfare that can be integrated with modern state institutions and international child protection protocols.

### 3. Assisted Reproductive Technology: In Vitro Fertilization (IVF) in Islamic Jurisprudence

#### a. Medical Foundations and Historical Development

In Vitro Fertilization (IVF), or “test tube baby” technology, is a major advancement in reproductive medicine that involves fertilizing an ovum with sperm in a laboratory and then implanting the resulting embryo into the uterus to enable pregnancy, particularly in cases of infertility such as tubal blockage, endometriosis, or male factor issues (Kholilulloh et al., 2023). The first successful IVF birth was Louise Brown in England in 1978, followed in Indonesia by the first IVF birth on May 2, 1988, at RSAB Harapan Kita, which prompted significant legal and Islamic jurisprudential discussions (Nasikhin et al., 2022). In response, Indonesia established regulations through Law No. 36 of 2009 on Health and Government Regulation No. 61 of 2014 on Reproductive Health, limiting IVF use to legally married couples as a last resort (Diani, 2020; Kenyatun, 2020). The IVF process

itself includes several stages—ovarian stimulation, egg retrieval, fertilization, embryo culture, and embryo transfer—each raising ethical and legal considerations in Islamic law, particularly concerning unused embryos, third-party involvement, and the preservation of marital integrity (Nasikhin et al., 2022).

### b. Islamic Legal Evaluation of IVF Within Marriage

The majority of contemporary Islamic scholars permit IVF when it is conducted within a valid marriage using only the husband's sperm and the wife's ovum, without any third-party donor or surrogate involvement (Anwar et al., 2022; Tauratiya, 2022). This permissibility is often grounded in QS. Al-Baqarah [2]: 223, which metaphorically describes wives as a "tilth," interpreted in the exegetical tradition as legitimizing procreation within marriage (Irbah, 2024). Scholars such as Quraish Shihab emphasize that this metaphor highlights the direct link between the spouses in producing offspring, thereby allowing IVF as long as it preserves the marital bond and uses the couple's own genetic material. From the perspective of Maqāṣid al-Syarī'ah, IVF is further justified through the principles of realizing benefits (*jalb al-maṣāliḥ*) and preventing harm (*dar' al-mafāsid*), particularly in fulfilling *ḥifẓ al-nafs* (protection of life) and *ḥifẓ al-nasl* (protection of lineage), as it enables procreation while maintaining clear lineage when no external genetic elements are involved (Dongoran, 2020; Ritonga, 2024).

Table 3. Islamic Legal Classification of IVF Variants

IVF Variant	Gamete Source	Uterus	Islamic Ruling	Legal Basis
Standard IVF	Husband's sperm + Wife's ovum	Wife's uterus	Permitted	QS. Al-Baqarah [2]: 223; <i>Maqāṣid al-Syarī'ah</i>
IVF with Sperm Donor	Donor sperm + Wife's ovum	Wife's uterus	Prohibited	Analogous to <i>zinā</i> ; MUI Fatwa
IVF with Egg Donor	Husband's sperm + Donor ovum	Wife's uterus	Prohibited	Maternal ambiguity; MUI Fatwa
IVF with Embryo Donation	Donor embryo	Wife's uterus	Prohibited	Both paternal and maternal nasab violated
Surrogacy (Gestational)	Spouses' gametes	Surrogate's uterus	Prohibited	MUI Fatwa Kep-952/MUI/XI/1990
Surrogacy	Donor	Surrogate's	Prohibited	Multiple <i>nasab</i>

with Donor Gametes	gametes	uterus		violations
Posthumous IVF	Deceased husband's sperm	Wife's uterus	Disputed	<i>Iddah</i> and marriage termination issues

Table 3 presents a comprehensive typology of IVF variants and their corresponding Islamic legal classifications. The data reveals a clear pattern: permissibility is contingent upon the exclusive use of the spouses' own gametes and the wife's own uterus, ensuring that every stage of reproduction occurs within the boundaries of the marital relationship. Any deviation involving third-party genetic material or gestational services is classified as prohibited (*ḥarām*), primarily due to the violation of nasab integrity. The *Majelis Ulama Indonesia* (MUI) has formalized this position through Fatwa Number Kep-952/MUI/XI/1990, which explicitly prohibits IVF using another woman's womb, reflecting the consensus of Indonesian Islamic scholars on this matter (Adib et al., 2023; Kumala, 2020).

#### 4. Surrogacy and Third-Party Involvement: The Breakdown of *Nasab* Integrity

##### a. The Prohibition of Surrogate Motherhood in Islamic Law

Surrogate motherhood, or *sewa rahim*, is an extension of IVF in which an embryo formed from a husband's sperm and wife's ovum is implanted into another woman who carries and delivers the child, a practice that has sparked major debate in Islamic law due to its impact on lineage (*nasab*) and marital integrity (Honainah et al., 2023). Most scholars prohibit surrogacy because it introduces a third party into reproduction, creating ambiguity over motherhood—whether it belongs to the genetic or gestational mother—while also forming a biological bond through pregnancy that complicates lineage determination (Arifin & Gultom, 2024). Additionally, commercial surrogacy often involves payment, raising ethical concerns about commodifying the female body and violating the principle of human dignity (*karāmah al-insān*), with risks of exploiting vulnerable women (Majid et al., 2022). Beyond that, surrogacy can lead to legal and social disputes over custody, identity, and citizenship, especially if emotional attachment develops during pregnancy, potentially harming the child's welfare, which Islamic law seeks to protect through the principles of *maṣlaḥah* and clear lineage (Annisa et al., 2023).

##### b. Divergent Scholarly Opinions on Maternal *Nasab* in Surrogacy

The issue of maternal *nasab* in surrogacy has led to differing scholarly opinions due to its novel nature in Islamic law. Some scholars argue that the genetic mother (ovum provider) should be recognized as the legal mother because she contributes the child's biological identity (Honainah et al., 2023), while others

maintain that the gestational mother (who carries and gives birth) holds this status, citing Qur'anic and hadith-based emphasis on pregnancy, birth, and nurturing bonds (Majid et al., 2022). A third view attempts to reconcile both by proposing dual motherhood—distinguishing between lineage (*umm nasabiyyah*) and gestational or nursing roles—but this approach has not gained broad acceptance and remains subject to ongoing *ijtihad* (Honainah et al., 2023). In practice, the Majelis Ulama Indonesia adopts a prohibitive stance on surrogacy, prioritizing precaution (*ihtiyāt*) and the preservation of clear lineage, in line with the broader principle that potentially harmful innovations should be avoided until stronger legal certainty is established (Kumala, 2020).

Table 4. Scholarly Opinions on Maternal Nasab in Surrogacy Cases

Scholarly Position	Maternal Nasab Attribution	Legal Reasoning	Representative Scholars
Genetic Primacy	Ovum provider is legal mother	Genetic material determines heredity; gestation is environmental	Some contemporary bioethicists
Gestational Primacy	Birth mother is legal mother	Qur'anic emphasis on birth and nursing; practical maternal bond	Traditionalist scholars, some Hanafi jurists
Dual Mother Framework	Both genetic and gestational mothers recognized	Analogy to <i>radha'ah</i> ; distinction between nasab and nursing	Some modernist scholars
Prohibitionist	Surrogacy invalidates nasab entirely	Third-party involvement violates marriage integrity; nasab ambiguity	MUI, International Islamic Fiqh Academy
Conditional Permissibility	Surrogacy permitted for married couples only	Extension of IVF permissibility; altruistic surrogacy only	Minority progressive opinion

Table 4 illustrates the spectrum of scholarly responses to the surrogacy challenge, ranging from accommodation to categorical prohibition. The data reveals that no position has achieved unanimous acceptance, with the prohibitionist

stance representing the dominant view among institutional Islamic authorities while more accommodative positions remain minority opinions. This diversity of opinion underscores the complexity of applying classical legal frameworks to unprecedented technological developments and highlights the ongoing need for collective scholarly deliberation (*ijtihād jamā'ī*) in addressing bioethical challenges.

## 5. *Radha'ah* (Foster Nursing) as the *Sharī'ah* Solution for Establishing *Maḥram* Relations

### a. The Concept and Conditions of *Radha'ah*

In Islamic law, a *maḥram* relationship can be established without changing biological lineage through *raḍā'ah* (foster nursing), where a woman breastfeeds a child in infancy, creating a milk kinship that prohibits marriage with her and her close family, as grounded in QS. An-Nisa [4]: 23 (Zaidan, 1993). Classical jurists set specific conditions: nursing must occur within the first two years of life, involve at least five full feedings according to the majority view, and come from a lactating woman, not artificial sources (*Al-Aina & others, 2023; Rusyd, 1995*). This concept is supported by both traditional reasoning and modern insights, as breast milk transfers biological elements such as immune cells, reinforcing a form of kinship similar to blood relations (Az-Zuhaili, 1985). Through this mechanism, Islamic law demonstrates flexibility by recognizing social and biological bonds beyond genetics while still preserving clear rules of lineage and marriage boundaries.

### b. Application to Adopted Children and Contemporary Relevance

The institution of *raḍā'ah* can partly address the *maḥram* issue in adoption by allowing foster families to create lawful kinship through breastfeeding, without altering biological *nasab*. If a child is nursed by the foster mother before the age of two with the required number of feedings, the child becomes a milk child (*raḍā'ī*), establishing *maḥram* ties with the foster parents and their children, thus permitting closer interaction within the household (*Al-Aina & others, 2023*). However, this mechanism has practical limitations: it only applies to children under two years old and requires actual breastfeeding, which may be difficult for adoptive mothers who have not recently given birth, while medical induction of lactation remains debated among scholars (Zaidan, 1993). In cases where *raḍā'ah* cannot be established, Islamic law requires maintaining standard boundaries between non-*maḥram* individuals—such as observing *aurat*, avoiding *khalwah*, and upholding appropriate social conduct—reflecting the priority given to preserving lineage and ethical guidelines despite the emotional closeness of foster family life (Az-Zuhaili, 1985).

Table 5. Conditions and Consequences of *Radha'ah* in Establishing *Maḥram*

Condition	Requirement	Legal Consequence if Met	Legal Consequence if Not Met
Age of Nursing	Must occur before 24 months	<i>Maḥram</i> relationship established	No <i>maḥram</i> relationship
Number of Feedings	Minimum 5 full, satisfying feedings ( <i>jumhūr opinion</i> )	Full <i>maḥram</i> with wet nurse's family	No <i>maḥram</i> ; must observe boundaries
Milk Source	Must be human milk from lactating woman	Valid <i>radha'ah</i>	Invalid <i>radha'ah</i>
Method of Delivery	Direct breastfeeding preferred; bottle-feeding disputed	<i>Maḥram</i> according to majority	No <i>maḥram</i> according to strict view
Wet Nurse's Marital Status	Must be married (husband becomes milk father)	Husband becomes milk father	No paternal milk relationship
Wet Nurse's Children	Biological children of wet nurse	Become milk siblings	No sibling relationship

The systematic presentation in Table 5 clarifies the precise requirements for establishing *maḥram* through *radha'ah* and the consequences of meeting or failing to meet each condition. The data demonstrates that *radha'ah* operates as a conditional and limited mechanism rather than a comprehensive solution to the *maḥram* problem in adoption. The requirement for direct breastfeeding before age two, combined with the minimum feeding threshold, means that many adopted children—particularly those adopted at older ages or in societies where breastfeeding is not culturally normative—cannot benefit from this institution. Nevertheless, *radha'ah* remains an important element of the Islamic legal toolkit for managing kinship boundaries in non-biological caregiving relationships.

## 6. Legal and Social Implications of Nasab Determination for Adopted and IVF Children

### a. Inheritance Rights and Property Transmission

The determination of *nasab* has major implications for inheritance in Islamic law, as the *farā'id* system distributes fixed shares to heirs based on clear genealogical relationships, as affirmed in QS. An-Nisa [4]: 7. Because of this, adopted children—who do not have *nasab* ties to their adoptive parents—are not entitled to automatic inheritance, but they may still receive support through *waṣiyyah* (up to one-third of the

estate) or *hibah* given during the parents' lifetime (Husein, 2026). In contrast, children born through valid IVF using the husband's sperm and wife's ovum have the same inheritance rights as naturally conceived children, inheriting from both parents and vice versa, since the method of conception does not affect the legal and biological relationship as long as it occurs within a valid marriage (Fauzi et al., 2024).

**b. Social Identity, Stigma, and Child Welfare**

Beyond legal aspects, the determination of *nasab* also shapes a child's social identity and psychological well-being, as adopted children may experience identity confusion, stigma, or feelings of disconnection in societies where lineage is highly valued (Saepuddin, 2023). The Islamic rule of preserving the child's biological name helps protect their original identity and keeps open the possibility of reconnecting with their biological roots. While IVF generally poses fewer social challenges when it involves only the husband's sperm and wife's ovum, the use of third-party donors or surrogacy can create similar identity concerns, which helps explain why such practices are prohibited in Islamic law. To address these issues, Islam promotes institutions like *kafalah*, which ensures care and nurturing without altering lineage, alongside broader social support systems such as *bait al-māl*, *awqāf*, and *zakat*, all aimed at safeguarding child welfare while maintaining the integrity of *nasab* (Manangin, 2016; Saepuddin, 2023).

**c. The Role of State Regulation and Religious Authority**

The interaction between Islamic law and modern governance in Indonesia requires close coordination between religious and state institutions, as reflected in the *Kompilasi Hukum Islam* (KHI) and fatwas issued by the *Majelis Ulama Indonesia*, which guide policies on *nasab*, adoption, and reproductive technologies (Aisyah, 2020). Regulations such as the MUI fatwa prohibiting surrogacy and national laws on IVF illustrate how Islamic ethical principles are integrated into state legal frameworks (Kenyatun, 2020; Kumala, 2020). However, rapid developments in technologies like gene editing and artificial gametes continue to challenge existing regulations, prompting the need for collective *ijtihad* involving scholars and experts to ensure alignment with the objectives of Sharia (Majid et al., 2022; Syamsuddin, 2020). Beyond regulation, the state also plays a proactive role in safeguarding lineage integrity (*hifz al-nasl*) through measures such as accurate civil registration, oversight of fertility clinics, prevention of document falsification, and the provision of social support systems to reduce reliance on prohibited reproductive practices (Irwansyah, 2020).

Table 6. Comprehensive Implications of Nasab Status on Child's Legal and Social Position

Implication	Biological	Adopted Child	IVF Child	Surrogacy
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Category	Child ( <i>Kafalah</i> )	(Valid)	Child (Prohibited)	
Civil Status	Legitimate offspring	Foster care recipient	Legitimate offspring	Legally ambiguous
Name/Identity	Father's patronymic	Biological father's name	Father's patronymic	Disputed attribution
Inheritance ( <i>Fara'id</i> )	Full prescribed shares	Wasiyyah/hibah only	Full prescribed shares	No clear entitlement
Marriage Guardian	Paternal relatives	Biological paternal relatives	Paternal relatives	Uncertain
<i>Maḥram</i> Circle	Complete blood relatives	Limited (via <i>radha'ah</i> only)	Complete blood relatives	Uncertain
Citizenship	Automatic by descent	May require special process	Automatic by descent	Disputed
Psychological Identity	Generally secure	Potential identity issues	Generally secure	High risk of confusion
Social Stigma	Minimal	Variable by culture	Minimal (if undisclosed)	Significant
State Protection	Full family law coverage	Foster care regulations	Full family law coverage	Legal vacuum
Religious Status	Full ritual participation	Full ritual participation	Full ritual participation	Ritual status uncertain

Table 6 presents a comprehensive matrix of the legal and social implications that flow from different modes of child origin and placement. The data reveals that the validly conceived IVF child occupies a position of maximum legal and social security, equivalent to the naturally conceived biological child, while the surrogacy child—despite potentially having genetic ties to both social parents—occupies a position of maximum uncertainty due to the prohibition of the reproductive method. The adopted child occupies an intermediate position, with clear legal frameworks for fostering but limited integration into the adoptive family's legal structure. This matrix underscores the Islamic legal system's prioritization of biological clarity and marital legitimacy over social convenience or technological possibility in determining a child's status.

## Conclusion

This study demonstrates that the Qur'anic concept of nasab (lineage) remains the foundational determinant of legal and social status in Islamic family law, strictly prohibiting adoption that alters biological genealogy (tabannī) while permitting fostering (kafalah) as a compassionate alternative. The analysis confirms that In Vitro Fertilization (IVF) is conditionally permissible when performed exclusively within a valid marriage using the spouses' own gametes, whereas surrogacy and third-party gamete donation are categorically prohibited due to their violation of nasab integrity. Furthermore, radha'ah (foster nursing) emerges as the sole Shari'ah mechanism for establishing limited mahram relationships without changing biological lineage, provided its strict conditions are met. Ultimately, the Islamic legal framework successfully reconciles divine preservation of lineage (ḥifẓ al-nasl) with contemporary bioethical challenges through Maqāṣid-based reasoning and collective ijtihād, ensuring that technological advancements serve rather than subvert the essential objectives of the Shari'ah.

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