



ARTIFICIAL INSEMINATION OR TEST TUBE BABY FROM THE PERSPECTIVE OF HADITH (A STUDY OF THE SCIENCE OF MA'ANI AL-HADITH)

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ABSTRACT

Through the times and advances in technology, especially in obstetrician-gynecologist (Obgyn) medicine, a new way of producing humans has been discovered, which in medical terms is called artificial insemination or IVF. So, this method is one endeavor for married couples to obtain offspring. The problem is how the viewpoint of Islam, especially from the perspective of the prophet's hadith, sees artificial insemination or IVF. Therefore, research was conducted on artificial insemination in the Hadith of the Prophet Muhammad PBUH. Which aims to 1) describe the quality of the hadith in terms of artificial insemination or IVF, 2) describe the content and concept, and 3) describe the implementation of the hadith. This research is a qualitative literature research. The approach is normative and based on hadith, language, socio-historical, and sociological approaches. In interpreting the data, researchers used several interpretation techniques: textual interpretation, intertextual interpretation, contextual interpretation, and living sunnah. The results of this study indicate that artificial insemination or IVF related to the hadith of the prohibition of watering other people's plants has 19 routes of transmission with the quality of hasan hadith because one of the narrators is considered weak in his memorization, while related to the hadith of mixing spermatozoa with eggs has four routes of transmission with the quality of the Sanad is Dhaif because one of the narrators is considered Munkarul Hadith but if through another route of transmission then the Sanad is Maqbul. The Hadiths on artificial insemination or IVF imply that the process of artificial insemination or IVF should comply with the following requirements: 1) a legitimate married couple: the sperm must come from the husband, the ovum comes from the wife, and the embryo is implanted back into the wife's womb. 2) Medical procedures are carried out with Islamic ethics: Aurat preservation in medical procedures, ensuring that doctors and medical personnel who handle them understand the values of Sharia. 3) No involvement of third parties: prohibition of using donor sperm, donor ovum, or surrogate mother.

Keywords: Artificial insemination; IVF; prophet's hadith

1. INTRODUCTION

The study of the prophet's hadith is increasing day by day. In addition to textual studies, there are intertextual and contextual studies. (Aisyah, 2014) Hadith studies cover ummah issues ranging from worship to social issues.

Modern scientific discoveries in various fields have helped us understand the hidden meanings of many Hadiths. Some scholars often use these modern scientific discoveries as a medium for da'wah and to argue that Islam is the true religion because it genuinely comes from Allah SWT.(al-Najr, 2011)

Science and technology in the field of medicine have developed very rapidly and have a positive impact on humankind. One of the discoveries in this field is the discovery of new ways of producing humans, which, in medical terms, is called in vitro fertilization, more popularly known as IVF. (HS, 1993)

Many couples who have been married for a long time but have not been blessed with children do various ways or try more also to get offspring, one of which is by doing an artificial insemination or IVF program.

The issue of IVF (artificial insemination) has been widely discussed in Islamic and non-Islamic circles, both at the national and international levels. For example, the Tarjih Council of Muhammadiyah, in its 1980 Congress, forbade IVF with sperm donors. The Islamic Fiqh Institute of the OIC (Organisation of the Islamic Conference) held a session in Amman in 1986 to discuss several techniques of artificial insemination (IVF) and forbade IVF with donor sperm and ovum. (Ancok, 2017)

In essence, IVF aims to help couples who are unable to give birth to offspring naturally due to tubal abnormalities, endometriosis (inflammation of the mucous membrane of the uterus), oligospermia (the husband's sperm is not good), unexplained infertility, and immunological factors (immune factors). (Yatim, 2005)

IVF products have been developed in Indonesia and various countries among Muslims. 2 May 1988 was the first moment of the successful application of IVF technology in Indonesia. On that date, the first IVF baby, named Nugroho Karyanto, was born by the married couple Markus and Chai Lian (HS, 1993). Then some public figures also did the IVF program, such as the artist couple Surya Saputra and Cyntia Lamusu, Inul Daratista and Adam Suseno, and recently, the couple Anandito and Anisa Rahma, who gave birth to their first child on 17 May 2022 after passing four years of marriage. (orami.co.id, 2022)

IVF, in essence, does not contradict Sunnatullah; instead, it proves the truth of Sunnatullah that the creation of humans is from sperm mixed with a woman's egg as long as the sperm comes from a legal husband and wife using technology from legal medicine. As the Word of Allah SWT.

إِنَّا خَلَقْنَا الْإِنْسَانَ مِنْ نُطْفَةٍ أَمْشَاجٍ نَبْتَلِيهِ فَجَعَلْنَاهُ سَمِيعًا بَصِيرًا

Translation:

Indeed, We have created man from a drop of mixed semen which We wanted to test him (with commands and prohibitions), so We made him hear and see. (Agama, 2021)

Then one of the traditions that alludes to artificial insemination is:

حَدَّثَنَا عُمَرُ بْنُ حَفْصٍ الشَّيْبَانِيُّ الْبَصْرِيُّ حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهَبٍ حَدَّثَنَا يَحْيَى بْنُ أَيُّوبَ عَنْ رَبِيعَةَ بْنِ سُلَيْمٍ عَنْ بُسْرِ بْنِ عُبَيْدِ اللَّهِ عَنْ رُوَيْفِعِ بْنِ ثَابِتٍ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلَا يَسْقِ مَاءَهُ وَلَدَ غَيْرِهِ قَالَ أَبُو

عَيْسَى هَذَا حَدِيثٌ حَسَنٌ وَقَدْ رُوِيَ مِنْ غَيْرِ وَجْهِ عَنْ زُوَيْفِعِ بْنِ ثَابِتٍ وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ لَا يَرُونَ لِلرَّجُلِ إِذَا اشْتَرَى جَارِيَةً وَهِيَ حَامِلٌ أَنْ يَطَّأَهَا حَتَّى تَضَعَ وَفِي الْبَابِ عَنْ أَبِي الدَّرْدَاءِ وَابْنِ عَبَّاسٍ وَالْعَزْبِيَّاتِ بْنِ سَارِيَةَ وَأَبِي سَعِيدٍ

Meaning:

'Umar ibn Hafsh Ash-Shaibani Al Bashri narrated to us, "Abdullāh ibn Wahb narrated to us Yahya ibn Ayyub from Rabi'ah ibn Sulaim from Busr ibn "Ubaidullah from Ruwaifi' ibn Tsabit reported that the prophet ﷺ said, 'Whoever believes in Allah and the Last Day, should not put his semen into the womb of a woman (with whom he has had intercourse).' Abu Isa said, 'This is a hasan hadeeth. Ruwaifi has narrated it on many channels. The scholars adopted this hadeeth. They do not allow a man who buys a pregnant slave girl to have intercourse with her until she gives birth to his child. A similar hadeeth was narrated from Abu Darda', Ibn "Abbas, Al "Irbad ibn Sariyah and Abu Sa'id. (HR. Tirmizi)"(al-Salami, n.d.)

In Indonesia, the practice of IVF has become a polemic among the public. After all, it has its influence because it is the success of cooperation between medical experts and pharmaceutical experts, namely, marrying sperm and ovum outside the womb in a tube that has been prepared. However, there are irregularities in the Nasab of babies born through the process of IVF techniques that trigger complicated problems in the eyes of Islamic law and the Civil Code, especially when there are material losses, emotional losses, or emotional victims.

Therefore, research on the issue of artificial insemination or IVF is fundamental to discuss, especially artificial insemination or IVF based on the prophet's hadith.

2. METHODS

Researchers use library research, which analyzes qualitative data that emphasizes the quality and validity of relevant data to solve problems and presents it in descriptive form.

The research approach that the author uses is the hadith science approach. The approach is based on the hadith validity rules that scholars have established. It is intended to test the authenticity of the hadith. The steps taken by looking at the connection between the hadith sanad (Ittisal al-Sanad), all the narrators are 'adl and Dabt., (Ilyas, 2020) free from Shaz and 'Illat (al-Diin, 1997) To strengthen the analysis of the authenticity of the hadith, several forms of approaches derived from the science of hadith will be used, namely, the science of Rijal al-Hadis or also known as the science of tarikh al-Ruwat and the science of al-Jarh wa al-Ta'dil combined with looking at the character of the hadith critics. The steps to determine the validity of the hadith sanad are also called sanad criticism. (*naqd al-sanad*). (Arief, 2022)

After that, critique the hadith matan (Naqd al-matan) to analyze the quality of the hadith matan. The Ma'ani al-Hadis approach is intended to explain the pronunciation and meaning of the Matan of the Hadith according to its condition to get a comprehensive understanding.

The primary data sources in this research are books of hadith sources or books of hadith matan, books of Rijal al-Hadis, books of al-Jarh wa al-Ta'dil, and books of hadith commentaries. Secondary data sources in the research are books of fiqh, theses, dissertations, journals, books of hadith science, and books related to this research, as well as information needed to interpret the primary data by referring to the explanations of scholars of interpretation, hadith, and fiqh.

This research uses the thematic method, so the steps also refer to the steps of the hadith Maudu'i method. In addition, this research is qualitative because the data studied is descriptive in verbal statements. The following are the steps:

- a. Collecting data on traditions related to research through Takhrij al-Hadis activities. Researchers, in this case, used five Takhrij methods, namely 1) The method of using one of the recitations of the hadith text, 2) the First Recitation Method, 3) First Transcriber Method, 4) the Hadith theme method, and 5) Hadith Status Method.
- b. Classifying the traditions based on their content concerning *tanawwu'*. Then, perform *i'tibar* by completing it using the sanad scheme. (Ahmad Arifuddin, 2013)
- c. Melakukan kritik hadis dengan melakukan penelitian sanad yang meliputi biografi perawi, dengan menggunakan kitab-kitab *rijal al-hadis* dan penilaian kritikus hadis terhadapnya dengan merujuk pada kitab-kitab *al-jarh wa al-ta'dil*. Selanjutnya penelitian matan yang meliputi kemungkinan terjadinya *syaz* dan *'illah*.
- d. Hadith criticism is carried out by conducting sanad research, which includes the biographies of the narrators using the books of *Rijal al-Hadis* and the assessment of the hadith critics by referring to the books of *al-Jarh wa al-Ta'dil*. Furthermore, the research of the Matan includes the possibility of *Shaz* and *'Illah*.

3. RESULTS AND DISCUSSION

a. The Quality of Artificial Insemination or IVF Hadis

1) Hadith about the prohibition of watering other people's plants

After searching for five methods of Takhrij of the hadith about the prohibition of watering other people's plants and by using source books both from the *Kutub al-Tis'ah* and outside the *Kutub al-Tis'ah*, the researcher can conclude that:

The hadith studied by the researcher is found in 13 source books, and there are 19 narrations with details of Sunan Tirmizi there is one narration, Sunan Abu Daud there is one narration, Sunan al-Darimi there is one narration; Musnad Imam Ahmad there are four narrations, Mu'jam al-Kabir al-Tabarani there are two narrations, Sunan Kubra al-Baihaqi there are two narrations, Sunan Sa'id bin Mansur has one narration, al-Musannaf fi al-Hadisi wal asar has two narrations, al-Ahadi wa Masani has one narration, Musnad al-Bazar has one narration, al-Muntaqi min Sunan al-Musnad has one narration, Sahih Ibn Hibban has one narration and finally al-Tabaqat Kubra has one narration.

In terms of transmission, this Hadith is a *Garib ahad* Hadith because it does not have a supporting *shahid*. After all, only one companion narrated it, namely *Ruwaifi' ibn Sabit*, while there are two *Mutabi*, *Busra ibn 'Ubaidillah* and *Khanasyin al-San'ani*.

In terms of the quality of the tradition's chain of transmission, it is connected from Imam Tirmizhi to the prophet. Regarding the fairness of the narrators, the scholars of hadith or the critics of hadith have rated them as reasonable. However, in terms of soundness, there is one narrator whom some hadith scholars have rated as poor in memorizing, namely *Yahya bin Ayyub*, so the Sanad of this hadith is categorized as *hasan hadith*, this is reinforced by the words of *Abu 'Isa* who rated this hadith as *hasan hadith*.

In terms of its text, since it is free from *Shaz* and *Illah*, it can be concluded that the hadith about the prohibition of watering other people's plants is *sahih*, as *Ibn Hibban* rated this hadith as *sahih*.

2) Hadith about mixing sperm and ovum

After searching for five methods of Takhrij of the hadith about the mixing of spermatozoa and eggs and by using source books both from the Kutub al-Tis'ah and outside the Kutub al-Tis'ah, the author can conclude that:

The hadith studied by the researcher is found in 4 source books, and there are four narrations with the details of Imam Ahmad's Musnad there is one narration, Sunan Kubra al-Nasai 1 narration, al-'Azimah al-Asbahani 1 narration and Gayatu al-Maqsudi fi Zawaid al-Musnadi 1 narration.

If we look at the chain of transmission of this hadith, it is a Garib ahad hadith because it has no supporters in the form of shahids and Mutabi'. After all, only one companion narrated it, "Abdullah ibn Mas'ud, while the mutabi' is only "Abdurrahman ibn "Abdullah ibn Mas'ud.

In terms of the quality of the Sanad of this hadith, if it is through the narrator Husayn b. al-Hasan, then the Sanad is Dhaif because the scholars of hadith gave a bad rating of Munkarulhadis, but if it is through another narration, then the sanad of this hadith is connected to the prophet Muhammad. In terms of the text, since it is free from Shaz and Illah, it can be concluded that the hadith about mixing spermatozoa and egg cells is sahih.

b. Content of the Hadith of Artificial Insemination or IVF

The hadith that is the object of study in this research on the prohibition of watering other people's plants in the book of Sunan Tirmidzi is:

قَالَ مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلَا يَسْقِ مَاءَهُ وَلَدَ غَيْرِهِ

Meaning:

Omar Ibn Hafs al-Shibani al-Basri narrated to us, Abdullah Ibn Wahb narrated to us, Yahya Ibn Ayyub narrated to us from Rabi'ah Ibn Sulaim narrated to us from Busr Ibn 'Ubaidullah narrated to us from Ruwaifi' Ibn Sjabat narrated to us from the prophet ﷺ, who said, 'Whoever believes in Allah and the Last Day, should not pour his water on other people's crops.' (HR. Tirmizi)"

Sentence مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ word مَنْ means Anyone, indicating that the Hadith is general to all Muslims. يُؤْمِنُ means faith, referring to the true faith, not only verbally but also practiced in subsequent actions. The word بِاللَّهِ وَالْيَوْمِ الْآخِرِ demonstrates belief in Allah SWT. and the last day, emphasizing the importance of moral responsibility in this world and the hereafter. (Husain, 1194)

Researchers consider that the prophet (peace be upon him) associated this prohibition with faith in Allah and the last day. It shows that this behavior is not only a moral violation but also a desecration of the principles of the faith.

Then the sentence فَلَا يَسْقِ مَاءَهُ وَلَدَ غَيْرِهِ the word فَلَا means Then do not, giving a strict non-negotiable prohibition the word يَسْقِ means to water, figuratively for conjugal relations. This word is often used in classical Arabic to denote a biological act. The word مَاءَهُ means water, referring to semen, which is the origin of offspring, and the word وَلَدَ غَيْرِهِ means another man's child, referring to a woman who has become pregnant by another man. (Yusuf, 2002).

A shaykh said that the prophet likened a child attached to the womb to a plant that grows and takes root in the earth. In this case, there is a prohibition against having sex with a pregnant woman if the pregnancy comes from a different man. Some people who think that the child follows the destiny of the person who is related to him, reasoning with the parable given by the

prophet (peace be upon him), say that the prophet (peace and blessings of Allaah be upon him) likened the child to a plant, that is, just as water increases the growth of plants, so semen increases the formation of a fetus in the womb. (Sulaiman, 1932)

Researchers see that the use of the figurative word *يسق ماءه* which means pouring water or inserting this, shows the truth of the words of a Prophet PBUH. that in the future, the process of getting offspring can be done without conjugal relations, which is now called artificial insemination bringing together the husband's sperm with the wife's ovum or egg outside the uterus of a wife or not having normal relations like husband and wife.

من كان يؤمن بالله واليوم الآخر (Whoever believes in Allah and the Last Day), i.e., the Day of Resurrection. The scholars say that this is a style of motivation (Tahyij), like Allah's words: {And to Allah alone should you put your trust if you are genuine believers} [Al-Maidah: 23]. The point of this statement is that legalizing something that is forbidden is not appropriate for someone who believes in Allah and the Last Day. The reason for mentioning this description (faith in Allah and the Last Day) is not that the disbeliever is excluded from the rulings of the branches of Shari'ah (Furu'). The primary purpose is not achieved if it says, 'It is not permissible for anyone.'

فلا يسق ماءه ولد غيره (So he should not pour his water on another man's child), meaning: A man should not have intercourse with a pregnant slave girl, whether he got her as a prisoner of war (Ghanimah) or bought her. It is haraam, according to scholarly consensus. It is because the fetus grows and develops through her nutrition, and she is influenced in her hearing and sight by the semen, so the fetus becomes like the child of both of them (the man and the biological father of the fetus). When its status becomes mixed, it will be entitled to inheritance, while the fetus is someone else's child, or to ownership, while the fetus is his child.

The Hadith uses the phrase 'whoever believes in Allah and the Last Day' to provide strong moral and spiritual motivation. It suggests that the prohibited act, when someone is having intercourse with a pregnant woman or another person, is not appropriate for a true believer. Similar verses or traditions are often used to emphasize the severity of the prohibition and its link to faith. (Ahmad, 2001)

The researcher considers that this prohibition is absolute, whether the woman is pregnant as a result of a legal relationship (e.g., a previous wife) or a woman who was acquired as a slave through war or purchase. It is a prohibition agreed upon by all scholars (ijma') because of the potential for mixing Nasab or destroying the clarity of kinship relationships.

The fetus in the womb develops through nutrition from the mother and is influenced by the semen of the man who had intercourse with her. In the context of Sharia law, it is feared that this may lead to confusion about Nasab status, and if the Nasab is mixed, this may affect the law of inheritance, wali nikah, or the status of the child in family and community relations. (al-Malik, 2002)

This Hadith reinforces the prohibition of having intercourse with a pregnant woman from another man, both in the context of slavery in the past and in relationships that are not under Shariah. This prohibition aims to maintain clarity of lineage family status and prevent potential legal conflicts in the future.

c. Implications of Artificial Insemination or IVF

The contemporary practice of IVF is that it is done with the husband's sperm and ovum, and the embryo is not transferred into another woman's womb, which Islam condones. On the other hand, if artificial insemination is done with the help of sperm and ovum donors, it is forbidden because the law is the same as adultery.

According to Syaltut, quoted by Yusuf al-Qardawi, there is no doubt that a child derived from grafting from someone else's sperm is a crime that is worse than Tabanni (child adoption). It is because a child derived from foreign sperm is two evils in one: the introduction of a foreign element into the family tree and adultery, which is contrary to shari'ah, decency, and common sense and brings human beings down to the level of animals. (al-Qardawi, 1990)

The implications of the hadith about artificial insemination show that the development of IVF practices from year to year has experienced significant developments following times that are not separated from religious texts. More and more couples are making efforts in several health clinics in Indonesia and abroad.

IVF is derived from the sperm and ovum of a husband and wife sown in the womb of the wife. The majority of contemporary scholars, such as Muhammad Syaltut and Saudi scholars, supported by the decision of Majma al-Fiqhi al-Islami in Makkah in 1984, allow this.,(Syaltut, 2004) provided that the husband and wife's situation requires artificial insemination to have a child, in other words, fertilization cannot occur by natural means. In Indonesia, this opinion is supported by the MUI fatwa and the decision of the Muhamadiyah Tarjih Council.

Scholars provide several conditions regarding the permissibility of IVF. Firstly, insemination techniques such as sperm and ovum collection, fusion of the two, and transplantation are not contrary to Islamic law. Secondly, it must be ensured that the sperm belongs to the husband, the ovum and the uterus belong to the wife, and both are in a marital bond.

The existence of benefits in it in the form of fulfilling needs and not causing mafsadah is the main reference in determining this permissibility. This is in accordance with the rules of fiqh:

الْحَاجَةُ نَزْلُ مَأْنَلَةَ الضَّرُورَةِ وَالضَّرُورَةُ تُبِيحُ الْمَحْظُورَاتِ

Meaning:

Hajat (an urgent need) is enforced in a state of necessity, and the emergency permits doing something that is (initially) forbidden.

Concerning the legal consequences, the status of this type of IVF child is valid, no different from a child born from a natural pregnancy. The child is entitled to inheritance and other rights from parents, the family, and the state (government). (al-Safdi, 2007) It can be concluded that there are no legal issues regarding the development of IVF using the husband's seed and sowing it in the wife's womb.

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