
**HADITH AND INDONESIA POLICIES ON FEMALE
REPRODUCTIVE HEALTH: AN INTERDISCIPLINARY
STUDY FROM MEDICAL AND ISLAMIC PERSPECTIVES**

Hanief Monady; Baihaki; Haidi Hajar Widagdo; M. Rifqi Hidayat

Universitas Islam Negeri Palangkaraya; Universitas Islam Negeri
Palangkaraya; Universitas Islam Negeri Palangkaraya; The University of
Western Australia

hanief.monady@uin-palangkaraya.ac.id; baihaki@uin-palangkaraya.ac.id;
haidihajarw@uin-palangkaraya.ac.id;
muhammadrifqi.hidayat@research.uwa.edu.au

Abstract: This study explores the intersection of Islamic teachings, bioethical principles, and state regulations in addressing women's reproductive health, focusing on Hadith, MUI fatwas, and Indonesian legal frameworks. The research aims to examine how these three normative authorities—religion, medicine, and law—interact to construct an ethical discourse that safeguards women's dignity, autonomy, and well-being. The urgency of this study lies in the ongoing tension between traditional religious interpretations and contemporary medical ethics, which increasingly demand a contextualized and humane approach to reproductive health issues such as menstruation, contraception, abortion, and early marriage. Methodologically, this research employs a qualitative-descriptive approach through textual and discourse analysis, utilizing Michel Foucault's discourse theory as an analytical lens to uncover the dynamics of power and knowledge in regulating women's bodies. The study systematically examines classical Hadith texts, fatwas issued by the Indonesian Ulema Council (MUI), and national laws related to reproductive health and marriage, integrating them within the framework of modern bioethical principles—beneficence, non-maleficence, autonomy, and justice. The findings reveal that Islamic bioethics demonstrates a harmonization between moral-religious values and scientific rationality. The study concludes that a holistic bioethical approach, integrating religious, medical, and legal dimensions, is essential for developing a more just, contextually grounded, and ethically coherent framework for women's reproductive health in Muslim societies, while contributing to global ethical discourse on gender and health.

Keywords: *Hadith, Reproductive Health, Fatwa, Law, Gadamerian Hermeneutics, Foucaultian Discourse, Islamic Bioethics*

Introduction

Women's reproductive health is a complex and multidimensional issue, encompassing medical, social, and religious aspects¹. Hadith and fatwas play a crucial role in shaping understandings and regulations² related to women's reproductive health within Islam, including menstruation, pregnancy, childbirth, and contraceptive use. Although various studies have examined this issue, approaches that integrate the study of Hadith, fatwas, and medical perspectives into a single analysis remain rare. This research aims to explore how Islamic Hadith and fatwas form the discourse surrounding women's reproductive health within Islamic and modern medical contexts.

This research is significant because differing interpretations of Hadith and fatwas often impact policies and practices³ concerning Muslim women's health. Some conservative fatwas may restrict women's access to reproductive health services, while more progressive fatwas can open avenues for more inclusive understandings. This study seeks to provide broader insights into Islam's role in supporting women's health by understanding how Hadith and fatwas are interpreted and applied. Furthermore, this research can help reduce misunderstandings related to reproductive health issues, which are often considered taboo in society⁴.

The primary approach employed in this research is Gadamer's hermeneutics, which allows for an in-depth analysis of Hadith texts by considering their historical context and the subjective understanding of interpreters⁵. This approach helps to illustrate how the meaning of Hadith concerning women's reproductive health has evolved over time and how

¹Atikah Rahayu et al., *Kesehatan Reproduksi Remaja Dan Lansia* (Surabaya: Airlangga University Press, 2017), 3.

²Ihda Shofiyatun Nisa et al., "Penerapan Konsep Ijtihad Dalam Mengatur Teknologi Reproduksi Modern Di Indonesia," *Al-Faruq: Jurnal Hukum Ekonomi Syariah Dan Hukum Islam* 3, no. 2 (2025): 44–58.

³Ahmad Abdul Gani, "Studi Komparatif Tentang Hukum Ekonomi Syariah Dan Hukum Ekonomi Konvensional: Sebuah Perbandingan Metodologi Dan Praktik," *Jurnal Ilmu Akuntansi Dan Bisnis Syariah (AKSY)* 4, no. 2 (2022): 207–26.

⁴Riski Oktafia and Nur Azizah Indriastuti, "Gerakan Peduli Sehat Reproduksi Wanita (GELIS P-SAN) Sebagai Upaya Pemberdayaan Deteksi Dini Kesehatan Reproduksi Wanita Di Wilayah Bantul Yogyakarta," *Jurnal Kreativitas Pengabdian Kepada Masyarakat (PKM)* 5, no. 5 (2022): 1443–49.

⁵Nazwa Hidayatunnisa et al., "Menganalisis Pemikiran Filsafat Gadamer (Pemikiran Hermeneutika)," *Leksikon: Jurnal Pendidikan Bahasa, Sastra, Dan Budaya* 2, no. 1 (2024): 01–06.

different interpretations can influence fatwas and health policies. This study not only examines texts literally but also considers how they are understood and applied in real life.

Additionally, this research utilizes Michel Foucault's discourse theory, focusing on how religious and social authorities shape the discourse of women's reproductive health⁶. This theory is relevant for understanding how fatwas develop in various social, political, and cultural contexts and how religious discourse influences societal perceptions of women's reproductive health. This approach allows the research to explore power relations in the production of fatwas and how Hadith interpretations can be used to control or empower women in aspects of reproductive health. Finally, this research also adopts Abdulaziz Sachedina's Islamic bioethics theory, which emphasizes the need for integrating Islamic teachings with contemporary medical ethical principles⁷. This approach aids in analyzing how fatwas and Hadith concerning women's reproductive health can be harmonized with modern medical principles.

By combining these three approaches, Gadamer's hermeneutics, Foucault's discourse theory, and Sachedina's Islamic bioethics, this research is expected to offer a more comprehensive contribution to understanding women's reproductive health from both Islamic and medical perspectives.

Previous research on women's reproduction and Islam has generally been broad, with a lack of multidisciplinary studies. For instance, studies by Siti Masykuroh and Effendi⁸, and Ali Nur Rofiq⁹ primarily discuss women's reproduction in Islamic teachings in a general overview.

⁶Yunizar Ramadhani, "Pengetahuan Dan Kekuasaan Menurut Michel Foucault Dan Analisis Wacana Pendidikan," *Tarbawi* 8, no. 02 (2020), <https://www.journal.stitdarulhijrahmtp.ac.id/index.php/Tarbawi/article/view/21>.

⁷Fina Alya Mukhbata and Shafa Aulia Ramadhani, "Penggunaan Stem Cell Dalam Kedokteran: Perspektif Etika Dan Hukum Islam The Use of Stem Cell in Medicine: Islamic Law and Ethical Perspective," *Islamologi: Jurnal Ilmiah Keagamaan* 1, no. 2 (2024): 193–209.

⁸Siti Masykuroh and Effendi Effendi, "Islamic Perspective About Women's Reproductive Health Rights," *Al Huwiyah: Journal of Woman and Children Studies* 2, no. 2 (2022), <https://ejournal.radenintan.ac.id/index.php/alHuwiyah/article/view/15148>.

⁹Ali Nur Rofiq, "Proses Reproduksi Wanita Dalam Perspektif Hadis Nabi," *Epistemé: Jurnal Pengembangan Ilmu Keislaman* 10, no. 2 (2015): 457–75.

Ivanna Beru Brahmana's research¹⁰ focuses on adolescence, while the studies by Gusnanda and Roma Wijaya¹¹, Umma Farida, D.I., Ansusa Putra, and Abdurrohman Kasdi¹², and Nofalia Cindi Anggraeni and Muhid¹³ examine Hadith but are specifically themed around female circumcision and the ethics of intimacy during menstruation. Furthermore, Ani Fauzizah and Muhammad Masruri's study¹⁴ discusses Hadith through a comparative Fiqh approach.

This research offers novelty in its approach and scope compared to previous studies on women's reproductive health in Islam. Most prior research, such as that by Siti Masykuroh and Effendi, and Ali Nur Rofiq, only generally examined women's reproductive health without exploring the specific roles of Hadith and fatwas in shaping Muslim community understanding. Moreover, Ivanna Beru Brahmana's research focuses more on adolescent reproductive health, thus not encompassing broader issues across various stages of a woman's life. Therefore, this study provides a new contribution by specifically analyzing Hadith and fatwas related to women's reproductive health in a modern context.

Another notable distinction of this research is its multidisciplinary approach to analyzing Hadith and religious discourse concerning women's reproductive health. Previous studies by Gusnanda and Roma Wijaya, Umma Farida et al., and Nofalia Cindi Anggraeni and Muhid primarily focused on Hadith concerning female circumcision and spousal intimacy during menstruation. Meanwhile, Ani Fauzizah and Muhammad Masruri's

¹⁰Ivanna Beru Brahmana, "Penyuluhan Kesehatan Reproduksi Pada Remaja Putri Dengan Pengenalan Alat Reproduksi Perempuan," *Poltekita: Jurnal Pengabdian Masyarakat* 4, no. 2 (2023): 555–63.

¹¹Gusnanda Gusnanda and Roma Wijaya, "Khitan pada Wanita dalam Tinjauan Hadis dan Medis," *Al-Qudwah* 1, no. 1 (August 15, 2023): 75–89, doi:10.24014/alqudwah.v1i1.22855.

¹²Umma Farida, DI Ansusa Putra, and Abdurrohman Kasdi, "Membincang Khitan Perempuan: Perspektif Hadis Dan Medis," *Journal of Qur'an and Hadith Studies* 11, no. 1 (2022): 19–38.

¹³Nofalia Cindi Anggraeni and Muhid, "Hadis Riwayat Ibnu Majah No. 639 Tentang Larangan Bersenggama Saat Istri Haid: Studi Kasus Penyebab Kista Ovarium," *El-Sunnah: Jurnal Kajian Hadis Dan Integrasi Ilmu* 5, no. 2 (December 24, 2024): 141–55, doi:10.19109/elsunnah.v5i2.25418.

¹⁴Anik Fauzizah and Muhammad Masruri, "A Comparative Study of the Fiqh Approach to the Hadith on Menstruation," *Rivayah : Jurnal Studi Hadis* 9, no. 2 (January 9, 2024): 385, doi:10.21043/rivayah.v9i2.20119.

study delves into Hadith using a comparative Fiqh approach, which tends to limit the scope to purely Islamic legal aspects.

The approach employed in this research is broader, encompassing the analysis of Hadith, fatwas, and policies from social, cultural, and health perspectives, leading to a more comprehensive understanding. This study also endeavors to contextualize Hadith in modern times by considering contemporary challenges in women's reproductive health. Unlike previous research that tended to examine Hadith within traditional Islamic legal frameworks, this study connects Hadith with current issues such as abortion, early marriage, and contraception. This research contributes to formulating a more inclusive approach to women's reproductive health that aligns with Islamic teachings and contemporary needs.

Method

This study employs a literature review method with a qualitative hermeneutical approach to analyze Hadith, fatwas, and religious discourse concerning women's reproductive health in the modern context. A literature review was chosen because this research focuses on examining Islamic texts, such as Hadith, exegesis (*tafsir*) books, scholarly fatwas, and various academic literature discussing women's reproductive health in Islam. This method allows for a deeper understanding of these texts and their interpretations across diverse social and scholarly contexts¹⁵. This approach enables the research to connect Hadith texts with the evolution of Islamic thought and the contemporary realities faced by Muslim women today.

The qualitative hermeneutical approach is utilized to comprehend the meanings embedded within Hadith and how fatwas and religious discourse interpret them under varying social conditions. This approach centers on textual analysis, considering the historical, social, and cultural contexts in which Hadith were transmitted, as well as how their understanding has evolved across different eras. Through hermeneutics, this research not only traces the literal meaning of Hadith but also observes how these texts are contextualized in responding to women's reproductive health issues. This method provides flexibility in

¹⁵M. Rama Haqiqi, Muh Mubinullah, and M. Rizkhan Arsy, "Hermeneutika Dalam Diskursus Tafsir: Konsep, Sejarah Perkembangan, Dan Penggunaannya Dalam Tafsir Ibnu Katsir," *Jurnal Semiotika-Q: Kajian Ilmu al-Quran Dan Tafsir* 4, no. 1 (2024): 403–17.

understanding Hadith more dynamically and relevantly to the challenges of the modern era.

Thematic Hadith study is a method within Hadith scholarship that focuses on collecting and analyzing Hadith sharing a similar theme to achieve a comprehensive understanding of a particular issue¹⁶. This method does not view individual Hadith in isolation but rather examines various Hadith pertaining to a specific theme, such as women's reproductive health, social justice, or Islamic economics. The collected Hadith are analyzed considering their historical and linguistic contexts, as well as their relevance in modern life. This approach allows researchers to understand Islamic principles more comprehensively and systematically, leading to more holistic and applicable conclusions in addressing modern social and religious challenges.

Hermeneutical understanding is an approach to interpreting texts, including religious texts, by considering the historical, social, and cultural contexts in which they emerged and how their meanings developed over time. Hermeneutics does not merely focus on the literal meaning of a text but also explores how it has been understood by various groups across different historical periods¹⁷. The hermeneutical approach in Islamic studies is often employed to interpret the Qur'an and Hadith by considering the background of revelation, linguistic structure, and the social dynamics of the communities receiving the revelation. This approach allows for a more dynamic understanding of religious texts, enabling their application to address modern challenges without losing the essence of Islamic teachings.

A fatwa in the modern context is an Islamic legal opinion issued by a scholar or a fatwa institution in response to contemporary issues faced by Muslims¹⁸. While a fatwa is not legally binding like a state law, it holds

¹⁶Memed Khumaedi, "Implementasi Media Sosial Sebagai Sarana Revitalisasi Dakwah Dalam Studi Kajian Hadis Di Ruang Virtual: Analisis Konten Youtube 'Adi Hidayat Official' Oleh Ustaz Adi Hidayat," *Istinarah: Riset Keagamaan, Sosial Dan Budaya* 6, no. 1 (2024): 98–110.

¹⁷Ali Anhar Syi'bul Huda et al., "Hermeneutika Dalam Ilmu-Ilmu Humaniora Dan Agama: Model, Pengembangan Dan Metode Penelitian," *Al-Fahmu: Jurnal Ilmu Al-Qur'an Dan Tafsir* 4, no. 1 (2025): 14–26.

¹⁸Abdi Wijaya, "Daya Serap Lembaga-Lembaga Fatwa Terhadap Masalah-Masalah Hukum Kontemporer; Studi Komparatif Lembaga Fatwa MUI, Majelis Tarjih Muhammadiyah Dan Bahtsul Masail NU," *Mazhabibuna: Jurnal Perbandingan Mazhab*, 2019, <https://journal3.uin-alauddin.ac.id/index.php/mjpm/article/view/10624>.

strong moral and religious authority in guiding the lives of Muslims¹⁹. Fatwas address not only classical issues such as worship (*ibadah*) and transactions (*muamalah*) but also respond to new concerns like reproductive health, medical technology, women's rights, and other issues in the modern era. With the passage of time, the methodology for issuing fatwas has also become more dynamic, incorporating scientific knowledge, public policy, and socio-cultural aspects that influence Muslim life globally²⁰.

This research utilizes Hans-Georg Gadamer's hermeneutics, Michel Foucault's discourse theory, and Abdulaziz Sachedina's Islamic bioethics theory as analytical tools to examine Hadith, fatwas, and policies related to women's reproductive health. Gadamer's hermeneutics is applied to understand Hadith and fatwa texts by considering their historical context and how their meanings evolve in various social situations. Gadamer emphasizes that understanding a text is not static but always occurs in a dialogue between the text, the interpreter, and an ever-changing reality²¹. This approach allows the research to explore how Hadith and fatwas on women's reproductive health are understood not only within their literal meanings but also in the context of social needs and scientific developments in the modern era.

Hans-Georg Gadamer (1900–2002), a key figure in philosophical hermeneutics,²² viewed text interpretation as a historical dialogue between the reader and the text. Understanding, he argued, is shaped by the reader's historical horizon and subjective experience, making it dynamic and contextual. Central to his theory is the “fusion of horizons,” where meaning arises from the interaction between the text's past context and the reader's present perspective.²³ Gadamer's hermeneutics seeks not fixed

¹⁹Ahmad Badrut Tamam, “Kedudukan Fatwa Majelis Ulama Indonesia (MUI) Dan Fatwa Dewan Syariah Nasional (DSN) Dalam Sistem Hukum Indonesia,” *Al-Musthofa: Journal Of Sharia Economics* 4, no. 1 (2021): 62–78.

²⁰Munira Munira, Dewi Indriani, and Andzala Cahyani, “Ḍawābiṭ Fatwa Dalam Merespons Problematika Fikih Kontemporer,” *AL-QIBLAH: Jurnal Studi Islam Dan Bahasa Arab* 3, no. 6 (2024): 978–89.

²¹Abraham Giovanni Immanuel, Brandon Efrain Giorgio Bolang, and Aqsa Gloria Mell Jourdan, “Hermeneutik Hans-Georg Gadamer: Ruang Bagi Generasi Z Indonesia,” *Matheo: Jurnal Teologi/Kependetaan* 12, no. 1 (2022): 1–15.

²²*Ibid.*

²³David Vessey, “Gadamer and the Fusion of Horizons,” *International Journal of Philosophical Studies* 17, no. 4 (October 2009): 531–42, doi:10.1080/09672550903164459.

meaning but understanding that evolves with social, cultural, and scientific change.

Michel Foucault's discourse theory is used to examine how interpretations of Hadith and fatwas on women's reproductive health are formed and sustained within power relations. Foucault views discourse as both knowledge and a tool of domination that shapes which understandings prevail or are marginalized.²⁴ This framework reveals how religious authorities and institutions influence Muslim perspectives on reproductive health. Combined with hermeneutic theory, it enables a more comprehensive analysis of Islamic texts and policies in addressing modern challenges to women's reproductive health.

Michel Foucault (1926–1984), a French philosopher, explored the link between knowledge, power, and discourse across disciplines.²⁵ His discourse theory posits that discourse not only reflects but also constructs and regulates power relations in society,²⁶ determining what can be said and who holds interpretive authority.²⁷ Through the concept of the “regime of truth,” Foucault explains how truth is produced by dominant institutions such as the state, religion, or science.²⁸ Applied to Hadith and fatwas, this theory reveals how interpretations of religious texts are shaped by scholarly authority, institutional power, and social dynamics influencing Muslim views on women's reproductive health.

This research applies Abdulaziz Sachedina's Islamic bioethics theory to analyze the relationship between Islamic norms and modern medical developments. Sachedina argues that Islamic bioethics extends beyond the Qur'an and Hadith, incorporating social, legal, and human rights dimensions in healthcare.²⁹ His framework enables the contextualization of fatwas and Hadith on women's reproductive health

²⁴Aris Badara, *Analisis Wacana: Teori, Metode, dan Penerapannya pada Wacana Media* (Jakarta: Prenada Media, 2014), 170.

²⁵Ketut Wiradnyana, *Michel Foucault: Arkeologi Pengetahuan dan Pengetahuan Arkeologi* (Jakarta: Yayasan Pustaka Obor Indonesia, 2018), 23.

²⁶Wajiran Wajiran, *Buku Ajar Teori Sastra* (Ponorogo: Uwais Inspirasi Indonesia, 2024), 8.

²⁷Amin Aminudin, “Media Sosial Dan Wacana Penundaan Pemilu 2024 Dalam Perspektif Norman Fairclough,” *Jurnal Lensa Mutiara Komunikasi* 7, no. 2 (2023): 57–72.

²⁸Stephen P. Reyna and Nina Glick Schiller, “The Pursuit of Knowledge and Regimes of Truth,” *Identities* 4, no. 3–4 (June 1998): 333–41, doi:10.1080/1070289X.1998.9962594.

²⁹Abdulaziz Sachedina, *Islamic Biomedical Ethics: Principles and Application* (New York: Oxford University Press, 2009), 205.

within principles such as medical ethics and the right to health. This approach allows for a comprehensive assessment of the alignment and potential tension between Islamic teachings and contemporary medical practices.

Abdulaziz Sachedina, a leading Muslim scholar in Islamic bioethics, explores the intersection of Islamic teachings, human rights, and medical ethics. He argues that *fiqh* and medical ethics should be interpreted dynamically, in light of scientific progress and universal moral values. Critiquing rigid textualism, Sachedina calls for the reinterpretation of fatwas and Islamic sources to address modern health issues such as reproduction, patient rights, and medical technology.³⁰ He maintains that health-related fatwas and Hadith must be contextualized within evolving social and medical realities to remain relevant for contemporary Muslims

Result and Discussion

This research critically examines several key Hadith and Indonesian policies to provide an interdisciplinary analysis of women's reproductive health within Islamic and medical contexts. The chosen Hadith address crucial aspects such as women's health rights, purity in Islam, menstruation, marital relations, and childbirth. These are complemented by analyses of significant Indonesian legal and religious pronouncements, specifically MUI Fatwa No. 4 of 2005 on Abortion, MUI Fatwa No. 9A of 2008 on Female Circumcision, and Law No. 16 of 2019 on Marriage. The theoretical framework integrates Gadamer's hermeneutics, Foucault's discourse theory, and Islamic bioethics to offer a nuanced understanding of these complex issues.

The study begins with an in-depth examination of specific Hadith, elucidating their medical, social, and spiritual implications for women's reproductive health.

*"It is from a vein, and it is not menstruation. When menstruation comes, stop praying, and when it ceases, perform ghusl (ritual bath) and pray."*³¹

This Hadith distinguishes *istihadhab* (non-menstrual bleeding) from regular menstruation. When Fathimah sought the Prophet's guidance, he

³⁰Abdulaziz Sachedina, "End-of-Life: The Islamic View," *The Lancet* 366, no. 9487 (August 27, 2005): 774–79, doi:10.1016/S0140-6736(05)67183-8.

³¹Muhammad bin Isma'il Abu 'Abd Allah Al-Bukhari Al- Ju'fi, *Al-Jami' Al-Shabih Al-Mukhtashar* (Beirut: Dar Ibnu Katsir, 1987), 314.

explained that *istihadhab* results from a ruptured vein, not menstruation, and that women in this state must continue praying after performing *ghusl* once their menstrual period ends. The Hadith thus establishes a key legal basis in *fiqh* for classifying vaginal bleeding, guiding women in worship and purity, while reflecting the Prophet's concern for women's health and providing a practical solution to reproductive issues.

Using Gadamer's hermeneutics, the Hadith on *istihadhab* should be understood within its historical-linguistic context and through the interpreter's horizon of understanding.³² The Prophet's description of *istihadhab* as blood from a vein aligns with modern medical views of it as a hormonal or reproductive disorder. Thus, the Hadith bridges religious and medical perspectives, and through Gadamer's idea of *pre-understanding*³³, it supports menstrual health education that integrates spiritual and scientific dimensions in modern Muslim society.

The Hadith narrated by Anas bin Malik details the Jewish community's practice of social isolation towards menstruating women and contrasts it with the Islamic approach:

*"The Jews, when a woman among them menstruated, would not eat with her nor reside with her in their houses. The companions of the Prophet (PBUH) asked him about this, and Allah (SWT) revealed, 'They ask you concerning menstruation. Say: It is an adha (a harmful thing or a state of impurity), so keep away from women during menstruation...' (QS. Al-Baqarah: 222) until the end of the verse. Then the Messenger of Allah (PBUH) said, 'Do everything except sexual intercourse.' When this reached the Jews, they said, 'This man (the Prophet Muhammad) does not want to leave anything of ours but that he contradicts us in it!' Then Usaid bin Hudhair and 'Abbad bin Bisr came and said, 'O Messenger of Allah, the Jews say such and such (criticizing the Islamic rule about menstruation).' The face of the Messenger of Allah (PBUH) changed (indicating displeasure) until we thought he was angry with them. Then they left, and a gift of milk for the Prophet (PBUH) met them. He sent for them and gave them to drink, and they knew that he was not angry with them."*³⁴

³²Angus M. Slater, "Relationality and the Gadamerian 'Horizontverschmelzung': Khaled Abou El Fadl," *ReOrient* 6, no. 1 (2020), doi:10.13169/reorient.6.1.0047.

³³Bernd Hackl, "Hermeneutische Rekonstruktion Und Theoretisches Vorverständnis. Anmerkungen Zur Funktion Von Theorie Im Forschungsprozess Und Ein Fallbeispiel," *Pädagogische Korrespondenz*, no. 46 (2012): 82–94.

³⁴Abu Al-Husain Muslim bin Al-Hajjaj bin Muslim Al-Qusyairi Al-Naisaburi, *Al-Jami' Al-Shabih Al-Musamma Shabih Muslim* (Beirut: Dar Al-Jil dan Dar Al-Afaq Al-Jadidah, n.d.), 720.

The Hadith highlights Islam's moderate stance toward menstruating women, contrasting with Jewish customs that isolated them completely.³⁵ Following Qur'an 2: 222, the Prophet (PBUH) taught that menstruation is a state of impurity but not a reason for total separation, only sexual intercourse is prohibited. His calm response to criticism from Jews and concern among companions reflected wisdom and balance. The Hadith thus demonstrates Islam's humane, hygienic, and socially balanced approach to menstruation.

Gadamer's hermeneutics helps interpret this Hadith by linking its historical meaning with contemporary reproductive health. The Prophet introduced a reform by permitting interaction with menstruating women while prohibiting intercourse, reflecting moderation and hygiene as taught in Qur'an 2:222. The Hadith's meaning, according to Gadamer, evolves with time and context. Viewed medically, it promotes cleanliness and respect for women. Thus, Gadamer's perspective urges continual reinterpretation of the Hadith in light of modern scientific understanding to prevent rigid textualism.

The Hadith narrated by Jabir bin 'Abd Allah about the practice of *'azl* (coitus interruptus) during the revelation of the Qur'an states:

*"We used to practice 'azl while the Qur'an was still being revealed." Ishaq added that Sufyan said: "If it ('azl) had been something forbidden, the Qur'an would have forbidden it."*³⁶

The Hadith discusses the practice of *'azl* (coitus interruptus) as a natural contraceptive used by the Prophet's companions without any explicit prohibition from the Qur'an or the Prophet. It became a key reference in Islamic discourse on contraception, with most scholars allowing it under conditions such as mutual consent and no harm.³⁷ The Hadith reflects Islam's flexible and considerate approach to family planning within the bounds of religious ethics.

³⁵Yusnida Wati Hasibuani, "Pendidikan Haid Menurut Fikih Dan Mitos Tabu," *Jurnal Insan Cendekia* 4, no. 2 (2023): 85–95.

³⁶Ibid., 3632.

³⁷Zamzam Mustofa, Nafiah Nafiah, and Dyna Prasetya Septianingrum, "Hukum Penggunaan Alat Kontrasepsi Dalam Prespektif Agama Islam," *MA'ALIM: Jurnal Pendidikan Islam* 1, no. 02 (2020): 85–103.

From Gadamer's hermeneutical view, this Hadith on 'azl must be read through both its historical and contemporary contexts. In the Prophet's era, 'azl was a recognized contraceptive method and not explicitly prohibited, reflecting Islam's flexibility. In modern times, with advanced contraceptive technologies, interpretation involves a fusion of horizons between classical understanding and current medical knowledge. Thus, the Hadith provides a foundation for ongoing discussions on contraception in Islam within ethical and scientific frameworks.

The Hadith narrated by Rashid bin Hubaysh regarding martyrdom states:

*"Rasulullah entered upon 'Ubadah bin Shamit to visit him during his illness. Rasulullah asked: 'Do you know who is considered a martyr from my nation?' The people looked at him in silence. Then 'Ubadah said, 'Support me (so I can sit),' and they supported him. Then he said, 'O Messenger of Allah, is it the patient and hopeful (of reward)?' The Messenger of Allah said: 'Indeed, the martyrs from my nation would be very few then. Being killed in the cause of Allah is martyrdom; dying from a plague is martyrdom; drowning is martyrdom; dying from a stomach illness is martyrdom; and a woman who dies during childbirth, her child will pull her by its umbilical cord to Paradise.' Then, in an additional narration from Abu al-'Anwam, he added: 'One who dies while guarding Bayt al-Maqdis, one who dies from burning, and one who dies from a flood are also martyrs.'"*³⁸

This Hadith expands the concept of martyrdom beyond battlefield deaths to include those who die from plague, drowning, stomach illness, or childbirth. It reflects Islam's compassion and justice by honoring those who face suffering with patience. Additional narrations also include deaths from burning, floods, or while defending sacred places, emphasizing that enduring hardship with faith can lead to martyrdom and divine reward.

Through Gadamer's hermeneutics, this Hadith on women who die in childbirth is seen as both a recognition of spiritual merit and an acknowledgment of the health risks women face. In the Prophet's era, it honored women's reproductive role amid high maternal mortality. In the modern context, it inspires efforts to improve maternal health and medical care. Gadamer's concept of the *fusion of horizons* shows that interpretation must evolve with time, linking Islamic teachings on istihadhah,

³⁸Ahmad bin Hanbal Abu 'Abd Allah Al- Syaibani, *Musnad Al-Imam Ahmad Bin Hanbal* (Kairo: Mu'assasah Qarthabah, n.d.), 16041.

menstruation, contraception, and maternal health to scientific progress. Thus, Islam supports women's reproductive health in harmony with medical ethics and religious values.³⁹

Michel Foucault's discourse theory provides a broader perspective on the relationship between knowledge, power, and control over women's bodies in analyzing MUI Fatwas and Indonesian Laws on women's reproductive health. Foucault asserts that discourse not only represents reality but also creates it⁴⁰, and that women's reproductive health is a contested terrain where religious, legal, and medical discourses intersect.

MUI Fatwa No. 4 of 2005 on Abortion This fatwa dictates that abortion is forbidden (haram), except under two specific conditions⁴¹: (1) if there is a medical emergency threatening the mother's life, or (2) if the pregnancy resulted from rape, and the abortion is performed before the fetus is 40 days old⁴². This fatwa demonstrates the production of medical and religious discourse in determining the permissible boundaries of abortion from a Foucaultian perspective. Foucault explains that the human body is an object of power, controlled by various institutions, including religion and the state⁴³. MUI, as a religious authority, establishes moral boundaries in medical practice, while the state also plays a role in regulating and restricting abortion through legal frameworks. This fatwa also reflects biopolitics, i.e., how power controls human life through normative rules⁴⁴. Women do not possess complete autonomy over their bodies, as abortion decisions must conform to religious norms and medical law. This fatwa illustrates how religion and the state collaborate in

³⁹Nurul Hafizoh, "Keluarga Berencana Dalam Perspektif Hadis: Menyelami Petunjuk Nabi Terkait Keseimbangan Hidup," *IMTIYAZ: Jurnal Ilmu Keislaman* 8, no. 2 (2024): 408–21.

⁴⁰Ridwan Rustandi, "Analisis Wacana Kritis Komodifikasi Dai Dalam Program Televisi," *Communicatus: Jurnal Ilmu Komunikasi* 2, no. 2 (2018): 197–222.

⁴¹Faisol Rizal, "Menilik Fatwa Majelis Ulama Indonesia (MUI) No. 4 Tahun 2005 Tentang Aborsi Dalam Kacamata Istibat Hukum Islam," *Minhaj: Jurnal Ilmu Syariah* 3, no. 2 (2022): 193–207.

⁴²Sigit Wibowo, "Hukum Aborsi Dalam Perspektif Interkonektif (Tinjauan Dari Hukum Islam Dan Hukum Positif Indonesia)," *Justisi: Jurnal Ilmu Hukum* 3, no. 1 (2018): 51–75.

⁴³Yuris Fahman Zaidan, "Relasi Tubuh Dan Kekuasaan: Kritik Sandra Lee Bartky Terhadap Pemikiran Michel Foucault," *JAQFI: Jurnal Aqidah Dan Filsafat Islam* 5, no. 2 (2020): 134–53.

⁴⁴Teodorus Tio, "Kekuasaan Jokowi Dalam Perspektif Michel Foucault," *Akademika: Jurnal Ilmiah Mahasiswa IFTK Ledalero* 24, no. 1 (2024): 24–34.

regulating women's reproductive health, using moral and medical discourse as justification⁴⁵.

MUI Fatwa No. 9A of 2008 on Female Circumcision declares female circumcision (khitan perempuan) to be a makrumah (honor or noble act) in Islam, meaning it is recommended but not obligatory. However, the fatwa also explicitly prohibits practices that are torturous or harmful to women, such as female genital mutilation (FGM), which is banned by the WHO⁴⁶. This fatwa represents a form of control over women's bodies through religious discourse from a Foucaultian perspective. This discourse does not exist in isolation but interacts with medical and human rights discourses. The WHO, as a global medical organization, endeavors to establish the discourse that female circumcision is a dangerous practice. Conversely, MUI, as a religious authority, seeks to maintain the discourse that female circumcision is an Islamic teaching that should be preserved⁴⁷, but with certain medical limitations⁴⁸. The researcher observes how power is not absolute but always involves a push-and-pull between various discourses in Foucault's analysis. The MUI fatwa attempts to uphold Islamic authority while accommodating international medical discourse by prohibiting forms of circumcision deemed harmful. This demonstrates how religion and science negotiate in controlling women's bodies through normative regulations⁴⁹.

Law No. 16 of 2019 on Marriage amends Law No. 1 of 1974, specifically raising the minimum age for marriage to 19 years for both males and females. The objective is to reduce child marriage, which

⁴⁵Fuad Mustafid, "Studi Atas Pandangan Kaum Agamawan, Praktisi Kesehatan Dan Respons MUI Terhadap Masalah Aborsi," *Al-Mazhab: Jurnal Perbandingan Hukum* 3, no. 1 (2015), <https://ejournal.uin-suka.ac.id/syariah/almazahib/article/view/1383>.

⁴⁶Mira Susilawati, Azhar Pagala, and Nur Syamsi, "Pandangan Ulama Kota Samarinda Terhadap Khitan Bagi Perempuan Dalam Perspektif Hukum Islam," *Mitsaq: Islamic Family Law Journal* 1, no. 1 (2023): 71–80.

⁴⁷Aisyatul Azizah, "Status Hukum Khitan Perempuan (Perdebatan Pandangan Ulama Dan Permenkes RI No. 1636/MENKES/PER/XI/2010)," *Musawa Jurnal Studi Gender Dan Islam* 19, no. 2 (2020): 173–86.

⁴⁸Nurjanah Asriyani, "Fatwa MUI Nomor 9A Tahun 2008 Tentang Hukum Pelarangan Khitan Terhadap Perempuan Dalam Perspektif Mazhab Syafi'i Dan Mazhab Hanafi" (Disertasi Doktor, UIN Sunan Gunung Djati, 2018).

⁴⁹Ni'am Sholeh and M. Asrorun, "Fatwa MUI Tentang Khitan Perempuan," *AHKAM: Jurnal Ilmu Syariah* 12, no. 2 (2012), <https://journal.uinjt.ac.id/index.php/ahkam/article/viewFile/964/850>.

negatively impacts women's and children's health, education, and well-being⁵⁰. This law is part of biopolitics, where the state regulates the lives of its citizens through legal frameworks. By increasing the minimum age for marriage, the state seeks to control women's bodies, preventing them from being trapped in early marriages that endanger their health⁵¹. However, in the social context, this change also clashes with religious and cultural discourses⁵². Before the revision of this law, many practices of early marriage were legitimized by religious teachings and local traditions. Therefore, the change in the minimum marriage age shifts power from religious and cultural discourses to legal and public health discourses⁵³.

Foucault explains that power is not merely repressive but also productive⁵⁴. The state produces a new discourse that early marriage is dangerous, necessitating prevention through legal rules. This discourse creates a new reality where marriage is no longer solely based on religious and cultural values but is also influenced by considerations of health and women's protection.

⁵⁰Suciati Ningsih Haryadi, Muthia Septarina, and Salamiah, "Tinjauan Yuridis Pernikahan Dini Dan Upaya Perlindungan Anak Di Indonesia Berdasarkan Undang-Undang No. 16 Tahun 2019 Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan," *SULTAN ADAM : Jurnal Hukum dan Sosial* 1, no. 1 (January 13, 2023): 35–47.

⁵¹Brigita D. S. Simanjorang, "Kajian Hukum Perkawinan Anak Dibawah Umur Menurut Undang Undang Nomor 16 Tahun 2019 Tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974. Tentang Perkawinan," *LEX PRIVATUM* 10, no. 1 (January 17, 2022), <https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/38068>.

⁵²Chairudin Husin, Syahril Dedi, and Kusen Kusen, "Pernikahan Dini dan Implikasi terhadap Keharmonisan Rumah Tangga di Kabupaten Rejang Lebong" (undergraduate, IAIN Curup, 2020), <https://e-theses.iaincurup.ac.id/2691/>.

⁵³Yeni Herliana Yoshida, Junita Budi Rachman, and Wawan Budi Darmawan, "Upaya Indonesia Dalam Mengatasi Pernikahan Anak Sebagai Implementasi Sustainable Development Goals (SDGS) Tujuan 5 (5.3)," *Aliansi: Jurnal Politik, Keamanan Dan Hubungan Internasional* 1, no. 3 (2022): 153–66.

⁵⁴Mangihut Siregar, "Kritik Terhadap Teori Kekuasaan-Pengetahuan Foucault," *Jurnal Ilmu Sosial Dan Ilmu Politik* 1, no. 1 (2021): 1–12, doi:<http://dx.doi.org/10.30742/juispol.v1i1.1560>.

Table 1. Discursive Dynamics of Religion, the State, and Science in Regulating Women's Reproductive Health (Analytical Framework Based on Foucault's Discourse Theory)

Dimension /Discourse Producer	Nature of Discourse	Discursive Power and Mechanism	Illustrative Example	Analytical Interpretation
Religion	Moral and theological discourse	Produces normative boundaries rooted in sacred texts; constructs moral legitimacy for regulating women's bodies	<i>MUI fatwas</i> on abortion and female circumcision	Religion functions as a moral authority that disciplines public morality and legitimizes specific gender norms through religious justification.
State	Regulatory and juridical discourse	Exercises institutional power through legislation and policy frameworks; codifies moral concerns into legal norms	Law on minimum marriage age; Health Law on reproductive rights	The state transforms religious and social values into formal regulations, asserting biopolitical control over citizens' bodies in the name of public order and health.
Medical Science	Scientific and biomedical discourse	Establishes universal standards through empirical evidence; legitimizes interventions in the name of health and safety	WHO's rejection of female circumcision; medical justification in abortion cases	Science operates as a global disciplinary mechanism, producing "truth" claims that redefine moral debates into biomedical and public

Dimension /Discourse Producer	Nature of Discourse	Discursive Power and Mechanism	Illustrative Example	Analytical Interpretation
				health frameworks.
Inter-discursive Interaction	Dynamic negotiation among religion, law, and science	Each discourse competes and collaborates in defining women's reproductive health norms	Overlaps in abortion policies and circumcision debates	The interplay represents Foucault's notion of <i>power/knowledge</i> , where discourses are never fixed but constantly negotiated, reflecting shifting power relations in Indonesian society.

Both MUI fatwas and Indonesian laws reveal an ongoing contest among religious, state, and scientific discourses in shaping women's reproductive health regulation. Religion produces moral discourse through fatwas that define ethical limits on abortion and female circumcision. The state exerts regulatory power by establishing legal norms, such as the minimum marriage age, to govern social behavior based on public health. Meanwhile, medical science generates scientific discourse, exemplified by WHO's rejection of female circumcision and biomedical criteria for abortion. These discourses interact dynamically—reflecting Foucault's view that power and knowledge are fluid—indicating that debates over women's reproductive health remain in continuous negotiation rather than final resolution. Through Foucault's discourse theory, women's reproductive health regulation is seen as a manifestation of power relations governing women's bodies. MUI fatwas position religion as the dominant moral authority defining limits on abortion and female circumcision. The state, through legal frameworks such as marriage age laws, exercises regulatory power to shape social norms. Meanwhile, medical discourse, grounded in scientific research and global health standards, emerges as a competing authority that challenges religious

dominance, particularly on issues like circumcision and abortion. This interplay illustrates that reproductive health governance is not solely legal or moral, but a continuous struggle for power and control over women’s bodies in the modern context.

The bioethical approach to discussing Hadith and fatwas on women’s reproductive health provides an analytical framework that emphasizes moral, legal, and medical aspects in ethical decision-making concerning women’s bodies and health. Bioethics itself is a multidisciplinary field that examines ethical issues in medicine and biology, considering moral principles, justice, individual autonomy, and benefit to human life⁵⁵. Bioethics can be used to assess how religion, law, and science interact to form norms related to abortion, female circumcision, and early marriage.

Table 2. *Analytical Framework of Islamic Texts, Fatwas, and Law Through Bioethical Principles*

Source	Content Focus	Bioethical Principle Reflected	Interpretation and Ethical Significance	Medical and Social Implications
Hadith on Istihadhah	Abnormal uterine bleeding and ritual purity	Beneficence, Non-Maleficence	The Prophet’s guidance integrates medical awareness with religious practice, minimizing physical and psychological harm.	Recognizes hormonal/reproductive disorders as medical realities; promotes compassion and inclusion for affected women.

⁵⁵Yudha Ahmada Arif Fakhruddin, Rizqa Ahmadi, and Mulia Ardi, “Simbiosis Ekologi Manusia Dan Penyelidikan Filosofis: Menelusuri Keseimbangan Berkelanjutan Dalam Interaksi Manusia-Lingkungan,” *Jurnal Ekologi, Masyarakat Dan Sains* 4, no. 2 (2023): 112–22.

Hadith on Menstruating Women	Social and ritual interaction during menstruation	Dignity, Autonomy, Non-Maleficence	Islam rejects discriminatory isolation, ensuring psychological well-being and social inclusion while maintaining health-related sexual restrictions.	Validates that Islamic ethics align with medical science to protect physical and mental health.
Hadith on 'Azl	Reproductive autonomy and birth control	Autonomy, Justice, Beneficence	Permits family planning when free of coercion, reflecting respect for individual agency and socio-economic contexts.	Supports reproductive rights consistent with modern ethical frameworks; endorses responsible parenthood.
Hadith on Women Who Die in Childbirth	Recognition of maternal risk and sacrifice	Beneficence, Justice	Acknowledges reproductive health risks and elevates women's sacrifice through moral and spiritual honor.	Symbolically validates maternal suffering; fosters social respect for women's reproductive roles.
MUI Fatwa No. 4/2005	Ethical limits of abortion in medical and moral	Sanctity of Life, Beneficence, Non-	Permits abortion only for life-threatening conditions	Aligns Islamic ethics with medical practice; prevents unethical misuse while protecting

	emergencies	Maleficence, Justice	or rape; ensures balance between fetal rights and maternal well-being.	women's physical and mental health.
MUI Fatwa No. 9A/2008	Regulation of female circumcision (FGM)	Non-Maleficence, Justice	Prohibits harmful procedures; negotiates between religious tradition and scientific evidence.	Consistent with global medical consensus that FGM is harmful; upholds women's bodily integrity and rights.
Indonesian Law No. 16/2019	Prevention of early marriage	Beneficence, Justice	Protects women's reproductive health through legal measures; challenges cultural norms of early marriage.	Reduces maternal mortality and complications; requires educational efforts to overcome cultural resistance.

From a comprehensive bioethical viewpoint, Hadiths, fatwas, and legal regulations on women's reproductive health aim to harmonize religious values, medical science, and legal norms. The Hadiths demonstrate principles of beneficence, non-maleficence, and justice in issues like menstruation, contraception, and childbirth risks. The MUI fatwas reaffirm religion as the main ethical guide while integrating medical and human rights perspectives. Meanwhile, the Marriage Law represents the state's legal effort to protect women's health and prevent harmful practices based on justice and beneficence. Bioethical analysis reveals that reproductive health discourse must integrate moral, medical, and legal dimensions to ensure fairness and societal well-being.

Conclusion

In conclusion, the integration of Hadith, fatwas, and legal frameworks in the discourse of women's reproductive health reveals not only the ethical coherence between Islamic teachings and modern bioethics but also the dynamic adaptability of Islamic thought to contemporary medical and legal contexts. This synthesis underscores the potential of Islamic bioethics to contribute meaningfully to global ethical discussions by offering a value-based framework grounded in compassion, justice, and human dignity. Future scholarly development should focus on deepening interdisciplinary engagement, bridging Islamic jurisprudence, medical sciences, and ethical philosophy, to construct a more contextually responsive and globally relevant model of reproductive health ethics. Such advancement would not only enhance the intellectual vitality of Islamic bioethics but also affirm its relevance in shaping humane, equitable, and morally grounded health policies in the modern world.

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