

Freezing of Single Woman's Egg Cells According to Sadd Al-Dzari'ah Analysis

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Received: 19/08/2024		Revised: 30/10/2024	Accepted: 30/12/2024
Abstract	Egg freezing is a form of artificial insemination method legally permitted in emergencies. Still, the current phenomenon is that many women use it to postpone marriage and postpone having children at a young age with the desire to have children in their old age. Therefore, the author is interested in studying and discussing egg freezing with sadd dzari'ah analysis. This discussion aims to discover how egg freezing is carried out in women and how to analyze sadd dzaro'i in women who use the egg-freezing method. This research uses normative research that examines document studies using secondary data from legislation and legal theory. This normative research uses qualitative analysis from books, journals, and relevant articles to collect data using literature study techniques to find research results based on the Al-Qur'an and Hadith. As a result of this research, the author examines that egg freezing is permitted with <i>syar'i</i> conditions. However, what happens when it is used is non- <i>shar'i washilah</i> , so the impact on the <i>mafsadah</i> is greater than the benefit. Thus, the author concludes that it is better to abandon egg freezing to prevent greater harm, such as mixing egg cells. So, preventing something is better than bringing about forgiveness.		
Keywords	Egg Freeze; <i>Sadd Ad-Dzar'iah</i>		
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1. INTRODUCTION

Egg freezing is a new technology used by women to be able to preserve their egg cells outside the uterus, which should be done if a woman cannot retain her egg cells due to several medical reasons preserve their eggs because they are still single or unmarried and will keep them until they finds the right companion (Nur et al., 2022). This is because the healthy quality of the egg cell itself has limits; if it exceeds the maturity age limit for the egg cell, it will cause a decrease in its quality of egg cell health (Retnowati et al., 2020.). So egg freezing is a solution for some women who don't have a partner to preserve their eggs and use them later when they find the right life partner (Gurtin et al., 2020.), but being single is not an urgent reason to freeze egg cells. These women, who were all highly educated, faced a particular challenge in finding appropriate marriage partners. Feeling pressured but still hopeful



to marry and create large families, the women used elective egg freezing/EEF to extend their reproductive timelines and reduce their anxieties. The study showed that the women reinterpreted or reconciled religious restrictions on using EEF in various ways, believing their ultimate pursuit of religiously sanctioned reproduction justified the means (Inhorn et al., 2020).

A similar prohibition also occurs in Malaysia, single Muslim women are not allowed to carry out egg freezing on the grounds that (Sasongko, 2016). In Sharia law, the egg can be fertilized by her husband's sperm. Therefore, fertility expert Natasha Ain Mohd Nor does not permit egg freezing for social purposes, such as not having a life partner (Kamil, 2021). With the development of this technology, supervision by Islamic fiqh law must be maintained to prevent harm to society. In this case, Islamic law issued by the Egyptian Fatwa Institute allows egg-freezing technology, with the main condition being that fertilization using egg-freezing technology is carried out by married couples who are still married when carrying out this method (Khalwani, 2022). But, in other perspective, they prohibited the case of egg freezing for single (Alawi, 2019). Egg freezing (freezing egg cells) is a technology related to Assisted Reproductive Technology, which has also been regulated in the Regulation of the Minister of Health of the Republic of Indonesia concerning the Implementation of Assisted Reproductive Technology Services in Chapter I article (1) which contains: "Technology Assisted Reproduction is a medical effort so that married couples who have difficulty conceiving children can obtain it through the method of in-vitro fertilization and embryo transfer (FIV-PE) using the latest equipment and methods"(Sedyaningsih, 2010)

2. METHODS

This research method uses normative juridical research, which is qualitative in nature. This research uses normative juridical or library research (Library Research), namely research carried out by collecting data through library materials, books, literature, theses, journals, and articles related to research (Zainuddin, 2009). Sources of Legal Materials Primary Legal Materials are legal materials that have a relationship with the object of research, namely the *Al-Qur'an*, *Hadith*, *Qhowaid Fiqhiyah* Book, *Sadd Adz-Dzari'ah* Book, *Ushul Fiqh* Book, *Munakahat Fiqh*, egg freezing journals and women health books. The second is Secondary Legal Materials, law books, including journals, texts, dictionaries, and articles. The Data Collection Method is obtained from library data through library research sourced from books, official documentation, publications, and research results (Solikin, 2021). Data Analysis Methods using this research approach provide a conceptual approach related to analyzing *sadd adz-dzari'ah* rules regarding egg freezing in single or unmarried women with qualitative data analysis. So, this writing technique will describe the data clearly.

3. FINDINGS AND DISCUSSION

Sadd dzari'ah is composed of two words, namely *sadd* and *dzari'ah*. *Sadd* in language means prohibition (Abu Abas, 1994), and *dzari'ah* according to language means the link and cause of something happening (Umar Mukhtar, 2008). The term *sadd dzari'ah* means a link or path to something, whether in a syar'i or not a syar'i situation (Al-Utaibi, 2007). *Sadd dzari'ah* can be interpreted as a rule that rejects or postpones something that is permissible but causes danger, sin, disobedience, and evil (Al-Utaibi, 2007).

If we look at the meaning of language and terms, they are likened to acts permitted in the Shari'a but tend to be prohibited. By showing several things, the clearest meaning can be taken, including (Abdullah Almihna, 2004):

- a. *Dzari'ah* is a permitted act
- b. *Dzari'ah* is an act that tends towards haraam or makruh
- c. *Dzari'ah's* actions that he feared would lead to something bad

Sadd dzari'ah is a shari'ah that Allah SWT gives when you doubt the haraam of action, but this doubt is prohibited in the shari'ah, and staying away from it is a safeguard against the shari'ah because *sadd dzari'ah* is the fitroh of Allah that every human being must have, to protect humans according to the rules, relationships, economy, politics, morals, and truth of Allah SWT (Qalbah & Jara'iyah, 2018)

According to Imam Maliki's school of thought, which applies the principles of *sadd dzari'ah*, Al-Baji Rahimahumullah said:

"Maliki Rahimahumullah has a madhhab forbidding anything evil" (Abdullah Almihna, 2004)

Maliki divides *sadd dzari'ah* into three parts; according to al-Qurofi, these divisions are:

- a. Bad actions that are close to serious badness and not the other way around, such as drilling a hole in a well on the road
- b. Bad actions that are far from bad and their badness is canceled, such as planting grapes
- c. Actions that move away from or approach evil (Abdullah Almihna, 2004)

Harmony in Implementing the *Sadd Dzari'ah*.

Three pillars form the basis of the rules of *sadd dzari'ah*, including:

- a. *Washilah*, In the first pillar, the meaning is matters that are not originally prohibited.
- b. Road used; in the second pillar, it is likened to an affair that acts as an intermediary between two matters.
- c. Objective: in this pillar, the action aimed at is a forbidden goal (al-Burhani, 1995) (Ahmad Sholihi, n.d.)

So the initial intention to carry out this action was not an action that is justified by the Shari'a, such as making lawful things that are forbidden and abandoning obligations (Abdullah Almihna, 2004).

3.1. Implementation Of Egg Freezing In Indonesia

a. The phenomenon of egg freezing in Indonesia

Indonesia is one of the other countries that applies the egg-freezing method. Egg freezing began to increase in development in Indonesia when the Covid-19 pandemic hit this country in 2019, so the impact of Covid-19 also had an impact on women who wanted to get married at that time but were delayed due to the pandemic, which limited all activities, so some women decided to use the egg freezing method as an opportunity for him to be able to store his egg cells first as a guarantee that he will still have children even though he is not certain that he will get married even though he continues to get older (Wahyuni, 2022). Several hospitals or clinics in Indonesia have legally opened the practice of providing egg-freezing services. One of the clinics in Indonesia that has opened the practice of egg freezing services is the Indonesian Child Fertilization Center, which has announced its services in its media account (Woman, 2022).

b. Egg freezing users

There are two big factors in a woman using egg freezing: medical and social. Medical factors that allow a woman to use egg freezing include, firstly, because she is undergoing cancer treatment such as chemotherapy, which can result in damage to the function of the body's organs (Gurtin et al., 2019); in this case means the reproductive organs can no longer produce egg cells so that a woman who is Chemotherapy makes egg freezing an option so that healthy egg cells can be taken and stored using the egg freezing method and can be used if in the future you want to use the egg cells as test tube babies (Martin, n.d.). Second, when a woman is diagnosed as experiencing accelerated menopause or has a family history of faster menopause (Rosyida, 2021), then to overcome this menopause, of course, when she has experienced menopause, no more egg cells will be produced, making the egg freeze method an option for save healthy egg cells before menopause arrives (McHaney & Rebecca, 2014).

Social factors are the reason a woman chooses the egg-freezing method. Among the many social reasons that exist, the author takes three big reasons for a woman who is at the ripe age to have children but is delaying experiencing pregnancy, including, firstly, women who are still single or don't have a companion because they don't want to get married yet (Diana, 2008). The author takes two definitions for unmarried women: not finding the right companion, so they are still postponing marriage. Hence, they are still single, and some women are not married because they are still busy with their activities to develop their potential; as long as they are not married and do not have children, women like this choose to freeze their eggs so that when the time comes to get married but they are no longer young. The egg cells they produce are not as good as when they were young; this woman has already prepared and has a reserve of egg cells, healthy to have children in the future (Jones et al., 2018). Second, career women who are still focused on work, married women or still single. When married, a career woman is in a

period of developing her wealth, so she does not want to have children first (Nanik & Hendriani, 2016). At the beginning of 2022, egg freezing began to surface in public because one of the local artists announced that she had frozen her eggs; she was Luna Maya. Luna Maya is a single woman who used the egg-freezing method when she was 38 years old, with the reason for using the egg freezing method because she had not yet found a suitable partner for marriage and wanted to have children when she found the right partner; if she was ready to have children, then The egg cells that he froze will be mated with sperm cells using the IVF method (Oesman, 2022).

Apart from Luna Maya, who uses the egg freezing method, in Indonesia, several women admit that they use egg freezing for various reasons, including a journalist who is a single woman named Andini W. Effendi, who stated that she had done egg freezing on her blog, in In her article, entitled "Women Have a Choice," she tells of her experience of doing egg freezing at the age of 37 (Effendi, 2022). She believes that egg freezing is a solution for planning her future and that women have choices for their future; that is her motivation for doing egg freezing. Her reason for egg freezing and taking this action was that Andini did not want to get married too quickly. She was still enjoying solitude as a single woman and developing her journalism career.

Some examples above are single women in Indonesia who have openly stated that they underwent the egg-freezing method for various reasons. Most of them underwent egg freezing as an opportunity for themselves to be able to have children by freezing their egg cells for use when they are pregnant, ready to get married even at a young age. If we look at the reasons these single women give, most of them do not have such urgent reasons that require them to use the egg-freezing method as a solution for fertilization.

c. Law on egg freezing in Indonesia

No specific law in Indonesia regulates the use of egg freezing. However, the regulation of egg freezing is equated with assisted reproduction services or pregnancies achieved through non-natural methods, as stated in the Indonesian Ministry of Health Regulation No. 43 of 2015 in the general provisions of Article 1:

"Assisted Reproductive Services or pregnancies achieved through non-natural methods, hereinafter referred to as Assisted Reproductive Technology Services, are efforts to achieve pregnancy through non-natural methods without the process of sexual intercourse if natural methods do not result in conception by combining the husband's spermatozoa with the wife's egg in a tube." (Moeloek, 2015)

The article specifies that assisted reproductive services are intended for married couples, as indicated by the phrase "combining the husband's spermatozoa with the wife's egg in a tube." This signifies that Indonesian regulations do not permit the use of assisted reproductive services for women

who are single or do not have a partner. Additionally, these services are only intended if natural pregnancy methods are unsuccessful.

As for another article in Chapter III, Article 9, it states:

"Every implementation of assisted reproductive technology services must have a permit." (Moeloek, 2015)

In this article, the context of "permit" can mean that every time the egg freezing process is carried out, it must have permission from the relevant parties. Therefore, if this article is applied to single women, it is already violated by the status of a single woman deciding to use this method alone, which essentially does not have a permit from the husband. Because the implementation of this method must be with the consent and knowledge of both the husband and wife, not just the woman alone. Consequently, the continuation of egg freezing involves combining the egg and sperm of a legitimate couple to be returned to the woman's uterus. Thus, it is less appropriate considering the existing regulations if a single woman undergoes egg freezing.

When viewed from the perspective of the Indonesian Ulema Council (MUI) regarding test-tube babies in 1979, it can be analogous to egg freezing. The Indonesian Ulema Council on test-tube babies specifies as follows:

a. Permissible for attempting

The attempt in question is the effort to have a child from a legitimate married couple who do not yet have children, thereby undergoing assisted reproductive methods.

b. Forbidden to implant the egg into another woman's uterus

c. If a married couple undergoes assisted reproduction but involves a third party for surrogacy, it is forbidden (haram).

d. Using the sperm of a deceased husband. This is forbidden (haram) because it can cause issues with lineage.

e. Not a married couple

If a man and a woman who are not married undergo assisted reproduction, it is forbidden (haram) because it may lead to adultery (Bahrain, 2018b). The permissibility of external or internal artificial fertilization, according to the majority of scholars, is contingent upon couples meeting strict conditions, including:

a. In an emergency where natural conception is not possible.

b. It has been confirmed by medical examination and research that the method used will not endanger the patient.

c. There is no possibility of mixing sperm and eggs due to storage conditions that could result in mixed lineage (Shalihah, 2022).

Bahrain also states two scholarly opinions: some permit and some prohibit the method. The first opinion permits the method with conditions—such as in cases of predicted infertility or potential congenital disabilities due to certain diseases, provided the frozen eggs are securely stored. The second opinion prohibits the method due to the risk of mixing frozen sperm and eggs or errors in storage that could fatally mix lineage. Additionally, if there is concern about egg damage due to prolonged singleness, the solution is to get married as soon as possible. Fundamentally, creating storage facilities for human eggs could promote ease in committing such acts (Bahrain, 2018a).

3.2. Advantages And Disadvantages Of Using Egg-Freezing

a. Advantages

1. Egg freezing has advantages that can be obtained for women who still want to be single, including:
2. Young women who are not ready to get pregnant can freeze young eggs to be stored and used when they are ready to get pregnant
3. Egg freezing can increase pregnancy chances and opportunities for older women (Makarim, 2022).
4. Provides opportunities and opportunities for women who experience accelerated menopause
5. It provides opportunities and opportunities for women who are undergoing chemotherapy to be able to get pregnant after therapy.

b. Disadvantages

The disadvantages or risks of this method for elderly single women include:

- 1) Risks to women's psychology and emotions because the egg-freezing method gives women hope to be able to have children in the future. Still, this method cannot guarantee its success because egg freezing is only to increase opportunities and does not guarantee 100% pregnancy (Makarim, 2022)(Sendari, 2022).
- 2) Single women who are not ready to get married and then use the egg freezing method to store their eggs and then use them at an older age will be at risk of miscarriage; this is because the older the woman is, the higher the miscarriage rate will be and the lower the pregnancy rate will be (Makarim, 2022). In addition, this method can also cause defects in babies born (Borovecki et al., 2018).
- 3) Frozen eggs do not necessarily produce embryos; embryos cannot guarantee pregnancy, and not every pregnancy guarantees a baby (Shalihah, 2022).
- 4) In storing eggs, it is feared that there will be a mixing or exchange of eggs, which will result in adultery.
- 5) Decreased egg quality in elderly women.

3.3. Analysis Of The Rule Of Sadd Dzari'ah Towards Egg Freezing In Single Women

Analysis of the rule of sadd dzari'ah applied to istinbath ahkam on the egg freezing method used by women who are still single or unmarried begins with fulfilling the requirements in the rule of sadd

dzari'ah, namely its pillars (Misranetti, 2017). There are three pillars. The first is wasilah which is used as a tool or means to achieve a goal, and in this discussion (Ahmad, 2009), egg freezing becomes wasilah; the second is the process (al-ifdha') which is an intermediary between the two matters that occur between permissible actions and actions that cause damage and in this discussion (al-Burhani, 1995), single women are determined as the second pillar, the third is the goal or result arising from the first two pillars and in this discussion (Mazmuna, 2020), the damages that occur after single women use egg freezing for use in the future. And some of the damages that occur have been mentioned in the previous discussion. With the fulfillment of the three pillars, the sadd dzari'ah principle can be applied.

The conclusion in the sadd dzari'ah principle regarding single women who use egg freezing is taken from the division in sadd dzari'ah, namely acts that were initially permitted but can result in greater damage if the act is carried out (Al-Khalili, 2000). Egg freezing, which is a technology intended for women who cannot get pregnant naturally due to certain emergency conditions (in this case, medical) such as undergoing cancer therapy or being diagnosed with accelerated menopause at a young age, then for medical reasons egg freezing is permitted to maintain offspring in the future.

However, as time passes, single or unmarried women use egg freezing for several reasons, such as wanting to postpone marriage and having children in their youth and wanting to have children in old age, which is not an emergency to use egg freezing. So, from the actions of these single women, an estimate of the damage that can occur if single women use this egg-freezing method arises. So this is the function of *sadd dzari'ah* in making laws to prevent *mafsadah* and bring *maslahah* (Munawaroh, 2018).

If we look at the *mafsadah* and benefits if this method is applied to single women, the author discusses more *mafsadat* that will result compared to the existing benefits. Because the resulting *mafsadat* is greater, preventing and abandoning this method is better. If it is related to the rules of *man ista'jala qobla cloudihi 'uquban bi hurmatihi*, then it is not yet time for single women to use egg freezing and should get married immediately to prevent other harm.

4. CONCLUSION

From the discussion of this study, the researcher concluded that egg freezing has several benefits, but many disadvantages arise, especially in terms of sharia. Suppose single women want to have children immediately. In that case, they should get married immediately, and unmarried women to avoid the practice of egg freezing if there is no clear urgency from a medical perspective, including for the community to know the benefits and disadvantages of single women carrying out egg freezing without sharia reasons. Especially for unmarried women to stay away from egg freezing because it will cause harm to themselves. If you want to have children, you should get married immediately. For other

readers to better understand and explore the phenomenon of egg freezing. For researchers who will discuss this, explain and complete this discussion until the discussion after this is clearer.

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