

# **“JUSTIFYING THE PERMISSIBILITY OF MODERN FAMILY PLANNING FOR MUSLIM PATIENTS: A JURISPRUDENTIAL ANALYSIS”**

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## **Abstract**

Wrong misconception regarding permissibility of the modern family planning for Muslim patients is common in Muslim societies. This resulted into negative perception to the modern family planning practice by contraception. This is further aggravated by divergent opinions of scholars breeding controversy on this subject. This prompts this study to embark on the justification of the permissibility of the modern family planning for Muslim patients via jurisprudential analysis. The study adopts doctrinal method to analyse various provisions of the Qur'an and Sunnah as well as juristic opinion about contraception under Islamic law. The study asserts that the practice of family planning is age-long, pre-dating Islamic era. It contends that Islamic legislation does not condemn the contraceptive practices but modified it. The study finds that the issue of contraception split scholars of Islamic jurisprudence into two: the antagonists and the protagonists. The study finds that both sides of the antagonists and the protagonists relied on the provisions from the sources of law to strengthening their arguments. The study finds that the position of the protagonists of the contraceptive method of family planning is in line with the objectives of Islamic law. The study finds that there is justification for the permissibility of the modern contraception for Muslim patients in line with *maqasid* Shari'ah. The study recommends that Muslim patients have the duty to

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ascertain which type of contraceptive method is safe and devoid of risk from the medical experts while exercising their right to contraception.

**Keywords:** Justification, Rights of Muslim Patients, Modern Contraception, Family Planning, Jurisprudential Analysis.

## **1. Introduction**

Family planning is an omnibus term that encapsulates many meanings. It refers to connotations such as birth limitation, family limitation, child spacing, birth spacing and birth control (Nahar, *et al*, 2021, pp. 36-40 & Serour, 2025). However, family planning has been defined as plans and actions taken by using birth control measures which give the opportunity of decision making to the couples on whether to have children or not, when to have them and how many do they intend to have (Mare, *et al*, 2023, pp. 1-13). Birth control, which is also referred to as contraception or fertility control, has been defined to mean the methods or devices used in preventing pregnancies. It is also termed as birth spacing by the World Health Organization (WHO), who defines birth spacing as the practice of waiting between pregnancies. Woman body needs to rest in between pregnancies and WHO recommends 24 months between pregnancies to maintain adequate health care for the mother and her children (Seksualiteit, 2018, p. 3). This is in line with Qur'an provision (Qur'an Chapter 2 verse 233). Thus, the planning, provisions and the uses of birth control is what is called family planning (Nahar, *et at*, 2021, pp. 36-40).

In Islamic law, family planning is mainly addressed under the concept of Islamic family law. Because family is considered under Islamic Law as the basic unit of every society, which the husband and wife are identified as the principals of family formation. Islamic law considers marriage to be sacred; there are several Qur'an verses that attested to this fact (Qur'an Chapter 30 verse 21 & Qur'an Chapter 4 verse 1). Procreation is majorly expected in any marriage to maintain human race. But marriage under Islamic law is not only for procreational purpose. It involves another pivotal purpose i.e., tranquillity, which can only be derived through a valid and subsisting marriage as mentioned in the Qur'an (Qur'an

Chapter 7 verse 189). This implies that when procreation takes place, it should be in addition and endorsement to tranquillity rather than disrupting it. It is imperative to note that different families make a community while different communities make a state while different states make a nation and different nations of a particular geographical entity constituting the cosmopolitan part of the world. Since the world composition is formed by the basic unit (family) and the issue of birth control will affect the global world, then it must be taken care off at the family level (Silva & Tenreyro, 2017, pp.205-228).

Flowing from the foregoing, the topical issue of the right of Muslim patients to adopt contraceptive methods of the family planning has generated controversy among Islamic scholars (Najimudeen, 2020, pp. 90-93). This controversy has thrown Muslim patients into confusion as to the permissibility of contraception under Shari'ah (Najimudeen, 2020). While some parts of Muslim communities have negative perception to contraception, other parts have positive perception to it amidst confusion. Thus, the right to contraceptive methods of family planning is subjected to confusion. To justify the right of the Muslim patient to the contraceptive methods of family planning requires wholistic consideration of the controversy via jurisprudential approach.

Against the foregoing backdrop, the important question for consideration is whether there is justification for the right to contraception by Muslim patients in Islamic jurisprudence? The paper thus attempts to answer the question by setting out to discuss concept of family planning under Shari'ah, its emergence from *jahiliyyah* period up till the contemporary time and especially the position of Shari'ah on the practice as well as justification for use of contraception from Shari'ah standpoint.

## **2. Understanding Family Planning Under Islamic Law**

Family planning under Islamic Law comes under the concept of Islamic law of marriage most especially the pre-marriage guidelines. This is because, under Islamic law, family planning comes to play even before the marriage as opposed to the western ideology of family planning which begins after marriage (Ambali, 2014 p. 261). This is rooted in the clear position under Islamic law that a man who does not possess the capacity or means to

maintain marriage should not marry until Allah enriches him. There are numerous verses and Prophetic traditions that attested to this fact (Qur'an Chapter 2 verse 185 & Qur'an Chapter 24 verse 33).

The Prophet (PBUH) was reported by Abdullah Ibn Mas'ud, to have said to them that:

*O young men, those among you who can support a wife should marry, for it restrains eyes (from casting evil glances) and preserves one from immorality, but he who cannot afford it should observe fast for it is a means of controlling the sexual desires (Bulugh al-Mariam).*

The above cited Hadith implies that the believers are to get married if they intend to satisfy their sexual urges or procreation if they could maintain the wife and children up-keep (i.e. all the liabilities involved). And those who are not capable should abstain from marriage and fasting was recommended for them by the Prophet (PBUH) as a means of controlling their sexual desires and abstinence. This is a means of family planning in this regard for those that cannot maintain the marriage financially. However, a man who on the basis of economic factor that cannot maintain free-born should then marry what his right hand possesses (slave) (Qur'an Chapter 4 verse 25) because her maintenance is liberal and economically cheaper than that of a free-born woman.

Nevertheless, Shari'ah legislation recommends monogamy instead of polygamy based on the financial capability amongst other factors as pre-requisite conditions for polygamy. Basically, in the absence of financial capability, it is *haram* (forbidden) to have 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> wife as the case maybe (Qur'an Chapter 4 verse 3). The Prophet (PBUH) was also reported by Imam Abu Dawood to have encouraged procreation by saying: the believers should marry the child-bearers and fertile women in order to have more and more children and would feel proud over the multitude of his followers (Ummah) on the day of judgment (Muhammed-Mikaaeel & Salaudeen, 2024, pp. 124-140).

Though the Prophet (PBUH) encourages procreation, it should however be borne in mind that the father is duty bound to take good care of his wife and children according to his means. This comes under the concept of *an-Nafaqah* (maintenance) in Islamic family law (Qur'an Chapter 65 verse 7). The foregoing establishes the fact that the concept and notion of family planning is deeply rooted in Islamic jurisprudence.

### **3. A Brief Historical Exposition To Family Planning Practice**

Emergence of the practice of family planning is said to be as old as the advent of Islam itself (Mohammed, *et al*, 2025, pp. 65-78). The Arabs during the *Jahiliyyah* period (i.e. before the advent of Islam) were said to be practising birth control. Birth control was also said to have been practised after the advent of Islam among the Muslims. That is the Prophetic era. The Prophet (P.B.U.H) was said to have approved birth control but with moderation (Ajani, 2013 pp. 1-18). Thus, history of the family planning practice spans through the pre-Islamic era and Islamic era.

#### *3.1. Family Planning Method during Pre-Islamic Era*

The major family planning method used during the pre-Islamic Era was filicide (Omran, 1992, pp. 13-18). This method was resorted into three (3) different circumstances which were sacrifice or charity to a deity, claiming of false honour, and poverty (Omran, 1992). The pagan Arabs killed their children in order to appease their deities owing to their superstitious idolatries. This has been attested to by Qur'an verses (Qur'an Chapter 6 verses 137 and 140). There was also the practice of killing daughters in respect of false honouring (Najimudeen, 2020, p. 93). Women were killed ignorantly in this *jahiliyyah* period because they were considered to be ill-starred. Some tribes among Arabs even buried their daughters alive out of sheer shame and embarrassment (Omran, 1992). Allah stated that *He will bring those girls on the day of qiyamah (Last Day) standing against their parents who murdered them, and they will be asking on which account of guilt, they were killed? This query will be asked in order to punish those culprits who treated those children so inhumanly, and savage as stated in the Qur'an (Qur'an Chapter 6 verses 58-59).*

The case of poverty impoverishment was one of the reasons why the earlier Arabs in *jahiliyyah* period killed their children due to their impoverishment conditions. Their great fear then was how to feed themselves and their children and exercised apprehension on how to maintain the sustenance of their wards and dependants (Qur'an Chapters 6: 151 & 17:31). Meanwhile, Allah promised to provide for their needs if they consider those children to be priority. It is important to note that they were not actually afflicted with poverty. However, they were engulfed by the fear of poverty in their imagination. They continued to kill their

children in the circumstance for fear of poverty. Those Arabs then became criminals in the sight of Almighty Allah for these dastardly actions.

### *3.2. Family Planning Method during Islamic Era*

The Islamic era refers to the early stage of Islam during the lifetime of Prophet Muhammad (PBUH) (Sadiq, 2020, pp. 21-50). The method of family planning used at this era is called ‘*azl*.’ ‘*Azl* is an Arabic word which is translated to mean coitus interruptus or withdrawal, pulling out, or the pull-out method (Opeloyeru, 2023, pp. 1502-1515). It is a method in which a man during sexual intercourse withdraws his penis from woman’s virginal prior to ejaculation and then directs his ejaculation (semen) away from the virginal in an attempt or effort to avoid insemination. (Aboul-Enein, *et al*, 2025). Under Islamic law, it has been sanctioned as a legal means of birth control.

This is because under Islamic law, it is not all practices that preceded it that was abolished. Some of the practices were adopted with modification. Hence, the practice of family planning or birth control is one of such adopted practices with modification through tacit approval for *al-‘azl*. Some people believed that ‘*azl* is a specific word which signifies strictly a particular method of birth control; named coitus interruptus (contraception), withdrawal of the penis from the virginal before ejaculation to prevent entrance of semen to the virginal (Adamu, 2018, pp. 106-114). Thus, the main purpose of ‘*azl* is to prevent fertilisation of the egg by the sperm (Adamu, 2018). Analogically, any other methods that tend to achieve the desire outcome of *azl* (i.e., prevention of pregnancy) are of the same nature with ‘*azl*. Though, it is important to point out that that are certain modern contraceptive methods like intrauterine devices (IUDs) with different mechanisms than ‘*azl* (withdrawal method) involving implantable devices. Such inherent implantations are viewed differently by Islamic scholars (Shattnawi, 2021 & Fahrizen, *et al*, 2025). Nevertheless, modern contraceptive methods such as contraceptive pills, condoms, IUD, which are the most frequently used and effective method of contraception are also permissible (Sadiq, 2020).

It is a fact that ‘*azl* was practised among the Prophet companions (RA) during the lifetime of the Messenger of Allah (PBUH). On the authority of Jabir b ‘Abdullah, he said:

“we (the companions of the Prophet)’ used to practise *al-‘Azl* during the time of the Prophet (PBUH) when the Qur’an was being revealed.”

In another narration on the authority of Jabir who said: “we used to practise *al-azl* during the time of the prophet (PBUH). The prophet (PBUH) come to know about it, but did not forbid us” (Nuraini, 2024, pp. 31-38). The Prophet (PBUH) approved the practice of *azl* by his companions but with moderation. The moderation he did here was to approve ‘*azl* as measure of birth control. On the authority of Abu Sa’id, the Prophet (PBUH) was queried about *al-‘azl* and he said: “Not out of all semen a child is formed and if Allah willed to create something nothing would stop Him doing it (Nuraini, 2024).

#### **4. Family Planning Method Among Contemporary Muslims (*Tanzim Al-Usrah*)**

Family planning or birth control (*Tanzim Nasl*) discussions is primarily concerned with contraception (*‘azl*). It is however to be noted that there is no specific verse in the Holy Qur’an in respect to ‘*azl*. But this does not mean that it should be abandoned because there is no clearer or direct reference from the Holy Qur’an. Allah (SWT) however provides certain basic guides for it in the Holy Qur’an. Thus, scholars are duty bound to examine the Qur’an verses in order to derive legal injunctions (Wani & Anjun, 2019, pp. 200-208). There are several Qur’an verses to this regard one of which is: “So, think deeply, O you who have understanding” (Qur’an Chapter 59 verse 2). There is one of the Qur’an verses that determines the fundamental policies of Islamic law with regards to all rules relating to family planning. This is the verse where Allah says: “... Allah desires ease for you, and He does not desire for you difficulty ...” (Qur’an Chapter 2 verse 185).

There are several Prophetic traditions in form of *Sunnah al-Qawliyyah* (express sayings) of the Prophet (P.B.U.H) and *Sunnah al-Taqriyyah* (tacit approval i.e. something done in his presence and which he did not prohibit) that support the practice of ‘*azl* as a measure to family planning (Nuraini, 2024). This is coupled with the fact that the Qur’an is directly or explicitly silent on contraception or family control except breast feeding.

In any given case which is not specified in the Qur’an, though provides a very rich variety of specific rules and general principles, it does not directly address every possible challenge that may face a Muslim or mankind at large (Muhammed-Mikaaeel & Salman,

2021, pp. 1-29). For cases not explicitly addressed in the Qur'an, Islamic scholars look for possible solution in the Sunnah as the secondary source of guidance. If the Sunnah however leaves openly some questions of interpretation or application. Muslims step forward in such case to rely on *Ijtihad* and *Qiyas* (Muhammed-Mikaaeel & Salman, 2021).

Based on the above the scholars of Islamic law have contributed to *ijtihad* (independent research) with a view to solving the existing problems by addressing it jurisprudentially. This comes to the fore because of the flexibility of Islamic law which is not accidental (Alwani, 1993, pp. 6-9). To this end, different *ijtihad* by scholars of Islamic jurisprudence have produced arguments and controversy regarding the permissibility of contraception for Muslim patients. While some hold the view that family planning is permissible under Islamic law, others hold otherwise.

#### *4.1. The Antagonists of the Contraceptive Methods of Family Planning Practice*

Many Muslims and some scholars opposed the validity of contraception. Their arguments were based on their interpretation of some Qur'an verses, Prophetic traditions and Islamic principles. They based their opinion on the verse from the Qur'an where Allah says: "It is He who forms you from the wombs however He wills..." (Qur'an Chapter 3 verse 6). They interpreted this verse to mean that family planning is an attempt to interrupt with the plans of Almighty Allah. They believed that it is the Will of Almighty Allah for persons to have many children as He wants and that nobody should interfere with His Will.

Another verse relied upon by the antagonists is the verse where Allah (SWT) said one should not kill his children in fear of poverty (Qur'an Chapter 17 verse 31). They interpreted this verse to mean that family planning is losing of believers' trust and faith in Almighty Allah. Because birth control generally and contraception are based on unfounded fear that increase in population will result in a worldwide food shortage, al-Mawdudi concluded that birth control or family planning for economic reason is nothing but sheer destruction and stupidity (Mawdudi, 1996 pp. 122-125).

The antagonists also based their view on Prophet hadith reported on the authority of Judamah binti Wahab al-Asadiyyah (sister of 'Ukashah) who said, "I was among others in the Prophet's audience while he was saying: "I almost prohibited al-ghila then I considered the

Romans and the Persians and found that pregnant woman suckles their children without ill-effects.” Then they asked him about al-‘*azl*’ he said: “It is hidden infanticide (*al-wa’d al-khafiyy*) (Najimudeen, 2020). Some jurists lend their weight behind the antagonists. To this end, Imam ibn Hazm, a disciple of Zahirri School of Law, forbade contraception and abortion absolutely. His argument on these can be found in one his book *Al-Muhalla*. He argued in his book that numerous permissive Prophetic *ahadith* or a hadith concerning contraception belonged to the early stage of Islam. And all these *ahadith* which give permission to contraception have been abrogated by later *ahadith*. He quoted the Hadith of Judamah Binti Wahb where the Prophet was reported to have said “contraception is “*Al-Wa’d as-Sughra*” (Infanticide). He concludes that this tradition confirms the prohibition of (*azl*) which means this tradition was issued later after the permissive *ahadith* on contraception (Ibn Hazm, 1993, pp. 70-71). Ibn Hazm argued further that since the Qur’an prohibits infanticide (Qur’an Chapter 17 verse 31) in the strongest possible term and the Prophet (PBUH) called contraception hidden infanticide, this implies that contraception is also prohibited (Qur’an Chapter 16 verses 58-59).

Furthermore, some jurist opined that there is no difference between semen destruction (i.e. via contraception) and killing of children. They came to this conclusion when making comparisons with the widespread practice among Arabs in *jahiliyyah* period which is the killing of the female infants by burying them alive (female infanticide) (Qur’an Chapter 16 verse 58-59). These heinous and inhuman practices were so prevalent then because the Arabs fear humiliation if their daughters would be taken into captivity by enemies and subsequently raped and impregnated upon maturity. Another reason is fear of poverty because of the rising cost of providing for children’s needs. Ala Eddin Kharofa says in respect of this that the Arabs were the masters of violating women’s rights. They did consider some animals to have more greater value than women to the extent of surcharging them with animals. They also considered giving birth to a female offsprings as a shame to the father (Ibn Hazm, 1993, pp. 70-71).

#### *4.2. Protagonists of the Contraceptive Methods of Family Planning Practice*

The majority scholars including the four Sunni schools’ scholars held in favour of contraception. They relied on some Qur’an verses, Prophetic traditions and Shari’ah

principles in response to the opposing views. They relied on the commandment of Allah (SWT) where He instructed that mothers may breastfeed their children for two complete years with a view to completing the nursing [period]. In this case the father has financial burden to make provisions for the mother and the child by way of feeding, clothing and other basic rights in the liked terms. (Qur'an Chapter 2 verse 233; Qur'an Chapter 31 verse 14; Qur'an Chapter 46 verse 15). In these same verses referred, Allah (SWT) commands that the parents should avoid excessive hardship in rising of their children.

One of the leading jurists in Islamic jurisprudence, Imam al-Ghazali, recorded one of the Prophetic traditions (PBUH) which says, "a small number of children is a kind of affluence and large number of children is a kind of indigence "*Qillat al-'iyal yusr - wa kathratul 'iyal faqr.*" Similarly, Imam Abu Hanifah was reported to have said: "Multiplicity of dependent children is a burden to mind (*Kathrat al -'iyal tushawwish al-bal*)" (Omran, 1991, p. 172).

Some Islamic scholars such as those who belong to the Hanafi school of Damacus, for example, ibn al-Qayyim. In response to ibn Hazm's arguments on absolute prohibition of contraception pointed out that ibn Hazm's arguments in respect of the earlier quoted *ahadith* requires an exact historical date to prove that the validating *ahadith* were abrogated by the prohibiting *ahadith*. In respect of this, ibn Qayyim rejected ibn Hazm's claim that the hadith narrated by Judamah abrogated several other *ahadith* because ibn Hazm needed to support his claimed that those traditions have been abrogated by not providing exact dates of the abrogating hadith uttered by the Prophet (PBUH) which may not likely be possible. With this, ibn Qayyim concluded that *al-wa'd al-sughra* (infanticide) can only occur upon formation of foetus, or even upon the birth of the child (Omran, 1992, p. 172). Though, *al-wa'd al-sughra* (infanticide) was prohibited by the Prophet (PBUH) but contraception is clearly different and something else than infanticide (Ibn al-Qayyim, 1988, p. 5 and 145). Consequently, Ibn Qayyim considered that the use of contraception to prevent pregnancy is not tantamount to abortion. And as such, does not amount to murder or killing of one's future offspring, since the child is not yet in existence when such methods were used. Therefore, it is very wrong to interpret the Qur'an as stipulating that contraception is the same thing as murdering children. How can someone kill a non-existing child? Or how can a non-existing child be killed? Thus,

prevention against a woman to conceive cannot in anyway be compared to the act of killing a newborn baby or aborting a fully formed foetus (Ibn al-Qayyim, pp. 140-146).

Imam al Gazali allows ‘*azl* unconditionally to the discretion of husband against those who held that ‘*azl* must be done with consent of the wife. Though, it is important to note that the permissibility granted to Muslim patients (Muslim women) to exercise right to the modern contraception is not a unilaterally exercisable right according to *jumhur* (majority of the scholars) Such right cannot be exercised without the mutual consent of the husbands and wives (Habib, *et al*, 2020) Nevertheless, Imam Gazali viewed abortion (*ijhad*) as equivalent to *wa’d* (infanticide) because the two levels infliction of violence against *mawjud hasil* (an existing being) (Rahman, 1989, p. 115). In respect to the Prophetic *ahadith* reported by Jumadah, al Gazali stressed that the *ahadith* which are confirming the permissibility of ‘*azl* are in existence and much more reliable. Infact the phrase “hidden infanticide” in Jumadah’s report connotes disfavour and not prohibition in any form. Imam al Gazali also buttresses this fact by recalling Imam Ali Ibn Abi Talib (R A) the fourth *Amirul Mu’minin* who rejected description of ‘*azl* as minor infanticide, which is clearly based on the seven stages of foetus development in the womb before *wa’d* can be claimed (Omran, 1991, p. 172). Imam al Gazali asserts further on the permissibility of ‘*azl* by relying on the hadith and his biological knowledge. He contended that a living being undergoes an evolutionary process. The first and foremost is the union of male semen with the female egg in the womb “in order to receive life.” Killing this would be a crime when the embryo becomes *mudghah*, the crime is worse; however, when the body is formed and the foetus is ensouled, the crime becomes more serious. The highest of the criminal offence is to kill the child after birth (Al-Dawoody & Murphy, 2019, pp. 551-573).

Imam al Gazali concludes his argument by saying that the correct opinion is that contraception is absolutely permitted (*mubah*). He also supported his argument by analogical reason that a man may abstain from marriage, abstain from having sexual intercourse or having sexual intercourse without ejaculation. Although it is better and preferred to get marry, have intercourse alongside with ejaculation, abstinence from these acts is not in any way forbidden or unlawful. But abortion and infanticide are crimes committed against an existing being/soul. Hence, contraception is quite different from these two because a child

can never be formed only by mere ejaculation of a man or by his semen alone. But by the settling of the man semen in the womb i.e. a child can only be created by both parents through sexual intercourse, sperm and ovum's union (Doi, 1989, pp. 129-130).

## **5. Justification Of Contraception Under Islamic Law For Muslim Patients**

There are some recognised grounds as justifications for permissibility of the modern contraception for Muslim patients in Islamic jurisprudence. These justifications have been put forward by Islamic scholars recognising contraception as a form of family planning practice under Islamic law for Muslim patients (Doi, 1989, pp. 129-130). Some of the grounds/justifications are discussed below.

If the childbearing could endanger the life of the mother in any way, resort to contraception as a form of family planning is permissible (Qur'an Chapter 2 verse 195 & Qur'an Chapter 4 verse 29). This aligns with the *hifz nafs* (preservation of life) in Islamic jurisprudence (Nasreen, *et al*, 2024).

If the health of the child will also be in danger e.g. in case of a father or mother suffering from a contagious disease which may likely transmitted to the child. Ibn Sina, the great physician, concur to this justification that the physician may be obliged to prevent pregnancy of a young woman if she is likely to die in childbirth or in a woman who is suffering from a contagious disease or in a woman with weak bladder, in the latter case, the weight of the foetus may rupture the bladder, which is likely to result to lifelong inconvenience (Ibn Sina, 1993, p. 1655). This ground of justification also aligns with *hifz nafs* (preservation of life) under Shari'ah as parts of the higher objectives of Islamic law.

*Maqasid* Shari'ah (objectives of Shari'ah) justifies permissibility for Muslim patients to explore contraception in the modern medical realm. This is because the hallmark of *maqasid* Shari'ah is to promote *maslaha* (benefit) and prevent *mufsadah* (hardship) with respect to Muslims (Khan, *et al*, 2024). To this end, under *darurah* (necessity) to avoid the hardship of caring for a larger family beyond financial capability, which may likely compel parents to resort to illegal activities or exhausting themselves to earn a living to cater for their offspring, resort to contraception within the purview of *maqasid* Shari'ah is sanctioned (Qur'an Chapter 2 verse 184 & Qur'an Chapter 5 verse 6).

Contraception is justified to give the children proper education, rearing, religion training which are more feasible with a smaller or fewer children (Roudi-Fahimi, 2004). This justification favours the *hifz deen* (preservation of religion).

When there is fear that giving birth will burden the father and ultimately stops him from performing/fulfilling his religious duties. This reasoning tallies with Shari‘ah objectives of preservation of *deen* (religion) and *mal* (wealth) as well. Imam Abu Hanifah was reported to have said: “*kathratu al-Iyal Tushwish al-Bal.*” Multiplication of dependent children is perplexity (uncertainty) to the mind (Omran, 1992, p. 172).

The above justifications for permissibility of the modern contraception for Muslim patients encapsulates the need to avoid endangering of life, health factor, ensuring children’s proper upbringing, avoidance of hardship associated with procreating beyond financial means. These justifications align and resonate with the higher objectives of Shari‘ah which prioritise preservations of religion (*deen*), life (*nafs*), intellect (*‘aql*), lineage (*nasb*) and wealth (*mal*) (Fraser, 2020). From the justifications above, it is apparent the intendment of the modern contraception aligns most especially with preservations of religion (*deen*), life (*nafs*) and wealth (*mal*). By juxtaposition, resort to the modern contraception afford Muslim couple potentials to take properly care of themselves and their children within their wealth as mandatory religious duty on the husband. The foregoing thereby promotes good living in the family with relatively good sustenance (Suherman, 2022). This is the focal point of the main objectives of Shari‘ah regarding promotion of *maslaha* and prevention of *mufسادah*.

## **6. Conclusion**

Family planning is a concept that is not alien to Islamic jurisprudence. Though, there is no express provisions for it in the Holy Qur’an, there are several verses impliedly referring to the practice of family planning by couples. This is further strengthened by the fact that both the historical accounts from pre-Islamic and Islamic eras gave credence to the family planning practice. It is thus important to note that such practices during the pre-Islamic era were modified after the advent of Islamic era.

The bone of contention is the controversy among Islamic Scholars over permissibility of family planning practices (Saeedi, 2025, pp. 26-27). This controversy places Muslim patients into confusion with respect to the exercise of the right to contraceptive methods of family planning practice. The paper thus settles the controversy by justifying the permissibility to the modern contraception for Muslim patients based on the mutual consent of the desiring couples. The paper affirms the position of the protagonists over the antagonists. This is because the former's position aligns with the objectives of Islamic law. What Allah desires for the *ummah* is ease and not hardship that could be occasioned if contraception is outlawed in Islamic jurisprudence.

Therefore, the right of Muslim patients to contraceptive methods of family planning is justified under strict conditions including but not limited to avoiding economic hardship, to affording the children proper education and upbringing as well as risk factors. It is therefore important for Muslim patients to enquire from medical expert about the methods of contraception that does not pose risk to their life. This is because Islamic law tilts towards warding off hardship for Muslim patients and encouraging ease for them amongst others. By implication, the view of the antagonists is becoming a minority opinion in the face of the modern medical necessity.

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