



Review of Islamic Law on Test Tube Babies and Artificial Insemination

Livia Maylisandi¹ Muhammad Raja² Hanif Rahman Adhyaksa³

¹²³State Islamic University of North Sumatra

E-mail: mayisandilivia@gmail.com muhammadraja1@gmail.com hanifrahmanadhyaksa@gmail.com

Info Articles	Abstract
Article History Received: 2025-12-14 Revised: 2025-12-23 Published: 2025-12-30 Keywords: <i>Contemporary Fiqh; Test Tube Babies; Artificial Insemination; Islamic Law; Medical Reproduction.</i>	<p>This article discusses the phenomenon of in vitro fertilization (IVF) and artificial insemination as part of advances in reproductive technology from the perspective of Islamic jurisprudence. Advances in medical science have enabled couples experiencing difficulty conceiving children to achieve childbearing through scientific methods. However, in Islam, all medical interventions must remain within the bounds of Islamic law, particularly in terms of maintaining lineage, family honor, and marital law. This study aims to explore the limitations and legal provisions regarding the permissibility of IVF and artificial insemination practices in Islamic jurisprudence. The research was conducted through a literature review of fatwas from the Indonesian Ulema Council (MUI), the opinions of contemporary scholars such as Yusuf al-Qaradawi, Wahbah az-Zuhaili, and international fatwa institutions. The results of the study indicate that IVF and artificial insemination are permissible in Islam if they use sperm and ovum from a legally married couple and do not involve third-party donors or surrogate mothers. In conclusion, Islam does not reject modern medical technology as long as it does not conflict with the basic principles of Islamic law, such as maintaining lineage, honor, and clarity of lineage.</p>

I. INTRODUCTION

Advances in science and technology, particularly in the medical field, have made significant contributions in helping humans overcome various health problems, including reproductive issues. One emerging innovation is in vitro fertilization (IVF) and artificial insemination. These two methods offer solutions for couples experiencing infertility and difficulty conceiving naturally (Al-Barr, 1983). This technology allows for the fertilization of an egg by sperm outside the body or through medical devices without direct biological contact.

Despite their significant medical benefits, the practices of IVF and artificial insemination are controversial from an Islamic legal perspective (Az-Zuhaili, 2007). This is because issues of lineage, the legal status of the child, and the involvement of third parties in the fertilization process can have complex legal and ethical implications. Therefore, an in-depth study is needed to understand how Islamic law views these technologies and the limitations imposed to ensure they remain in line with Islamic values.

Several Islamic scholars and fatwa institutions, both nationally and internationally, have issued opinions and provisions regarding the permissibility of IVF and artificial insemination practices. Generally, these practices are permitted as long as they are performed by legally married couples without involving sperm donors, ovum donors, or surrogate mothers (Majma' al-Fiqh al-Islami, 1986; MUI). In this study, the author attempts to outline contemporary Islamic jurisprudence (fiqh) views regarding artificial reproductive practices and explain the sharia arguments and fiqh principles that form the legal basis. Thus, this paper is expected to provide a comprehensive understanding for Muslims so they do not fall into medical practices that conflict with Islamic law (Al-Qaradawi, 2001).

II. RESEARCH METHODS

This study uses a qualitative approach with a library research method. The library research was conducted by collecting, reading, and analyzing various relevant literature, such as fiqh

books, journal articles, fatwas from contemporary scholars, and official documents from fatwa institutions such as the Indonesian Ulema Council (MUI), Al-Azhar Egypt, and the Organization of the Islamic Conference (OIC) (Az-Zuhaili, 2007; Al-Qaradawi, 2001).

The primary data sources come from references discussing Islamic law related to reproductive technologies such as in vitro fertilization and artificial insemination, from both classical and contemporary Islamic jurisprudence perspectives. Furthermore, the researchers also examined verses of the Quran, the hadith of the Prophet Muhammad (peace be upon him), and Islamic jurisprudence (qawa'id fihiyyah) relevant to issues of lineage, marriage, and medical ethics.

Data analysis was conducted descriptively and analytically, presenting the opinions of scholars and then analyzing them based on Islamic legal principles to reach comprehensive legal conclusions. This research did not involve field surveys or laboratory experiments, but was purely theoretical and normative in nature.

The aim of this method is to understand the sharia limitations on the use of medical technology in the human reproductive process and to provide legal guidelines for Muslims in responding to the phenomenon of test tube babies and artificial insemination appropriately and in accordance with Islamic teachings.

III. RESULTS AND DISCUSSION

A. Research result

Based on a literature review of various classical and contemporary Islamic jurisprudence sources, research results indicate that the practices of IVF and artificial insemination are not absolutely prohibited in Islam (Az-Zuhaili, 2007). The majority of contemporary scholars agree that these reproductive technologies are permissible if carried out under strict conditions and in accordance with Islamic law.

Some important provisions that form the legal basis for the permissibility of this practice are:

1. Sperm and ovum must come from a legally married couple in marriage (Al-Qaradawi, 2001).
2. There should be no third parties those involved, such as sperm donors, egg donors, or surrogate mothers (Majma' al-Fiqh al-Islami, 1986).
3. The fertilized embryo must be implanted into the uterus of the legitimate wife., not another woman, even if it is another wife of the same husband (Az-Zuhaili, 2007).
4. The aim is to treat infertility., not for experimentation or interests outside of marriage (Al-Barr, 1983).

The fatwa of the Indonesian Ulema Council (MUI), Al-Azhar Egypt, and Majma' al-Fiqh al-Islami (OKI) stated that this practice is permissible as long as it meets the above provisions (MUI; Majma' al-Fiqh al-Islami, 1986).

The research results also show that the practice of IVF or insemination involving sperm or ovum donation from a third party, or the transfer of embryos to another woman's uterus, is absolutely forbidden because it contains elements of mixed lineage (mixing of descendants), which is strictly prohibited in Islam.

B. Discussion

1. Definition of IVF and insemination

Another name for test tube babies is artificial insemination which is a translation of Artificial Insemination. Artificial meaning artificial or imitation. Meanwhile, the word insemination comes from English. Insemination which means fertilization or pregnancy technologically, not naturally.

Artificial insemination (artificial insemination) the equivalent word in Arabic isal-talqih al-shina'ican mean fertilization. Thus, it can be understood that artificial insemination is fertilization in animals or humans without intercourse or sexual intercourse (Sudrajat, 2008).

It can be concluded that what is meant by artificial insemination is artificial pregnancy carried out on a woman without using natural

methods, but by inserting male sperm into the woman's uterus with the help of a doctor. Meanwhile, the definition of IVF is referred to as a baby that is obtained from the fertilization process carried out outside the womb so that the embryo does not occur naturally, but with the help of medicine.

2. Scholars and institutions that discuss test tube babies and artificial insemination

a. Indonesian Ulema Council (MUI)

The MUI Fatwa Commission's fatwas in the 1980s and 2000s stated that IVF and artificial insemination were permissible under the following conditions:

- 1) Eggs and sperm come from a legally married couple.
- 2) Does not involve donors or surrogates.

b. Shaikh Muhammad Sayyid Tantawi (Former Grand Shaykh of Al-Azhar, Egypt)

In his book and also several fatwas, he permits test tube babies as long as they are within the limits of sharia, namely:

- 1) Performed by a legally married husband and wife.
- 2) Does not involve sperm/ovum donors.
- 3) Does not involve another woman's uterus.

c. Sheikh Yusuf al-Qaradawi

In the Mu'ashirah Fatwa book he also supports the permissibility of IVF and artificial insemination with the following conditions:

- 1) No third party interference.
- 2) The aim is to treat infertility in marriage.
- 3) Continue to maintain the purity of the nasab and sharia law.

d. Sheikh Wahbah az-Zuhaili

In al-Fiqh al-Islami wa Adillatuhu, he explains 7 forms of IVF practice, and only one is halal, namely:

"Fertilization of sperm and ovum from a legitimate husband and wife, and the embryo is implanted into the wife's uterus."

He firmly forbids other forms involving donors or surrogate mothers.

e. Dr. Muhammad Al-Barr (Saudi Arabia). Contemporary medical and fiqh expert.

In his book Human Reproduction and Islam, he supports modern medical practices that are in accordance with Islamic law.

f. Sheikh Ali Jum'ah (Egypt)

The former Mufti of Egypt stated that as long as IVF is performed with sperm and ovum from a legitimate couple, it is halal.

g. Dr. Abdul Fattah Idris (Egypt). Contemporary jurisprudence expert from Al-Azhar University.

Provides detailed fiqh analysis of test tube babies and artificial insemination, especially regarding the preservation of lineage.

h. Dar al-Ifta' al-Misriyyah (Egyptian Fatwa Institute)

States that IVF is permitted as long as it does not involve a donor or surrogate mother.

i. Majma' al-Fiqh al-Islami (OIC - Organization of the Islamic Conference)

The international fiqh institution in its session in 1986 (Amman, Jordan), issued a decision that: IVF/Insemination is permissible if it is carried out within a marriage and does not involve a donor.

j. Lajnah Daimah Lil Buhuts Al-'Ilmiyyah Wal Ifta (Saudi Arabia)

Saudi Arabia's Permanent Fatwa Committee stated that modern reproductive medical practices are permissible as long as they comply with Islamic law.

k. Fatwa Council of the Islamic Fiqh Academy (Jeddah)

Issue decisions on ethical and sharia boundaries in reproductive technology.

3. History of test tube babies

England was a milestone in the history of IVF worldwide. It was there that a number of doctors first initiated the IVF program. The first successful IVF baby born through this program was Louise Brown, born in 1978 with the assistance of Dr. Robert G. Edwards and Patrick C. Stope.

Before the successful in vitro fertilization (IVF) trial in 1978, experiments with IVF had begun in

1959 by Italian scientist Daniele Petrucci, who conducted ovum fertilization in a laboratory. Similar experiments were also conducted by Dr. R.G. Edwards and Ruth E. Puwler at the University of Cambridge. In 1970, D.A. Bevis of the University of Leeds in England reported the birth of three babies from pregnancies initiated by IVF.

After the success of Dr. PC Steptoe and Dr. RG Edwards, the second test tube baby was born in Australia in 1980, the third was born in America, Elizabeth Can, in 1981. According to the American Medical Association, in mid-1983 there were 100 test tube babies recorded in eleven countries (England, the United States, Austria, the Netherlands, France, Switzerland, India, Germany, Belgium, Japan, and Singapore). Meanwhile, according to John Naisbitt and Patricia Aburdene, by the beginning of 1989, more than 1,000 children were born by surrogate mothers using the test tube baby technique.

4. Test tube babies according to Islam

In the Islamic view, test tube babies (artificial insemination) if done with sperm cells and ovum of husband and wife do not transfer embryos into the uterus of another woman including his own other wife (for polygamous husbands) then Islam allows, either by taking the husband's sperm, then injected into the vagina or uterus of the wife, then the fruit (fertilized ovum) is planted in the uterus of the wife, as long as the condition of the husband in question really requires artificial insemination to have children, because by natural fertilization, the husband and wife are not successful in having children (Sudrajat, 2008). This is in accordance with the legal principles of Islamic Fiqh:

المحظوراتورة تبيحة والضرور منزلة الضرحة تنزل ال

It means : "Needs (very important needs) are required as if under duress. However, emergency/necessary circumstances permit prohibited actions."

The following are the opinions of Islamic scholars/figures/religious leaders regarding IVF:

KH Hasan Basri

According to Islam, the process of in vitro fertilization (IVF) is permissible and valid, as long as the sperm and egg come from a married couple. This is due to the positive developments in science leading to IVF, which is worthy of gratitude. This is a gift from God, as one can imagine a couple whose 14-year dream of having a child was finally fulfilled.

Prof. Drs. Husein Yusuf

Test tube babies are carried out when the sperm and ovum from a husband and wife are processed in a test tube, after fertilization occurs, they are then implanted in the wife's uterus until birth, then the child can automatically be related to the father and mother, and the child has a legitimate position according to Islamic law (Sudrajat, 2008).

Zakaria Ahmad Al-Bari

Artificial insemination is permissible according to Islamic law if it is performed with the husband's sperm—which is still justified by the law and sharia followed by civilized humans. This action is permissible and does not cause any stain or sin. In addition, such an action can be used as a way to have a legitimate child according to Islamic law, whose mother and father are clearly identified (Sudrajat, 2008). Conversely, if artificial insemination is performed with the help of a sperm donor and/or ovum, then it is forbidden and the law is the same as zina (prostitution).

Sharia arguments that can be a legal basis for prohibiting artificial insemination with donors are as follows:

QS AL-ISRA` :70

Meaning: And verily, We have glorified the children of Adam, we carried them on land and in the sea, we gave them sustenance from the good things and we gave them perfect advantages over most of the creatures that we have created.

QS AT-TIN :4

Meaning: Indeed, we created man in the best form. These two verses show that humans were created by God as creatures with superiority or special qualities that surpass other creatures of

God, and God Himself is pleased to honor humans, so humans should be able to respect their own dignity and also respect the dignity of being human. On the other hand, artificial insemination with a donor essentially degrades human dignity to the same level as the inseminated animal.

Here are some opinions of scholars regarding artificial insemination with donor sperm:

Prof. Dr. Mahmoud Syalthout. Artificial pregnancy using the semen of a foreign man (not the husband) is a disgraceful act. This act is equivalent to adultery with the same consequences (Echols and Hassan, 1984).

Zakaria Ahmad Al-Bari. A child born by artificial insemination has the same lineage as a child born from a wife's adultery who is then rejected (acknowledging her lineage) by her husband. Al-Bari completes the illat opinion: "because there are elements of adultery and mixed lines."

5. Arguments about test tube babies & artificial insemination

"And indeed, We have glorified Adam's descendants..."

(QS. Al-Isra: 70)

Meaning:

Humans have honor, including in terms of lineage. Therefore, it is important to ensure that children are born through legitimate channels (not donors).

"...An adulterer may not marry except an adulterer or an idolater, and an adulterous woman may not marry..."

(QS. An-Nur: 2)

Meaning:

Shows the importance of honor and clarity in the relationship between men and women. So technology such as IVF should not cause confusion or illegal relationships.

Hadith narrated by Bukhari & Muslim:

"The child belongs (to the result) of the bed (of the husband), and for the adulterer it is a stone (punishment)."

Meaning:

This hadith is used by scholars as evidence that a child's lineage must be clear and can only be attributed to the legitimate husband.

Therefore, the use of sperm or egg donors is prohibited, as it could jeopardize the clarity of the lineage.

Fiqh Rules (Qawa'id Fiqhiyyah):

"Al-Ashlu fil asya' al-ibahah illa ma dalla dalil 'ala tahrimihi"

"The original law of everything is permissible (permissible), unless there is an argument that forbids it."

Meaning:

Because there is no explicit evidence that prohibits IVF, it is permissible as long as it does not violate Islamic law (such as using a donor or another woman's uterus).

"Dar'ul mafasid muqaddam 'ala jalbil masalih"

"Resisting damage takes precedence over taking benefits."

Meaning:

If IVF/artificial insemination carries the risk of causing damage such as lineage disruption, then it should be avoided.

"Al-maqasid tusabbihu al-wasa'il"

"A good goal can allow neutral means, as long as it does not violate the sharia."

Meaning:

If the goal of wanting to have children is good, then medical means (such as IVF) are permissible, as long as they comply with Islamic rules.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Artificial insemination is the artificial impregnation of a woman without natural means, but rather by inserting a man's sperm into the woman's uterus with the assistance of a doctor. The term "test tube baby" refers to a baby born through a fertilization process outside the uterus, resulting in the embryo developing not naturally but with medical assistance. The first successful test tube baby born through this program was Louise Brown, born in 1978 with the assistance of Dr. Robert G. Edwards and Patrick C. Stope.

In the Islamic view, test tube babies (artificial insemination) if done with sperm cells and ovum

of husband and wife do not transfer the embryo into the uterus of another woman including his own other wife (for husbands who are polygamous) then Islam allows, either by taking the husband's sperm, then injected into the vagina or uterus of the wife, then the fruit (fertilized ovum) is planted in the uterus of the wife, as long as the condition of the husband in question really requires artificial insemination to have a child, because with natural fertilization, the husband and wife are not successful in having a child.

B. Suggestion

Based on these conclusions, it is recommended that the public, particularly married couples, develop a proper understanding of the concepts of artificial insemination and IVF from an Islamic perspective. This understanding is crucial so that couples experiencing difficulty conceiving can pursue medically justified options without violating Islamic law, particularly regarding the clarity of lineage and the validity of marriage.

Furthermore, medical personnel handling artificial insemination and IVF programs are expected to understand and adhere to Islamic law, especially for Muslim patients. Medical procedures should be carried out carefully, ensuring that the sperm and ovum come from a legally married couple, and that the embryo is implanted into the wife's uterus, to avoid future legal or ethical issues.

The government and religious institutions are also advised to continue strengthening regulations and fatwas regarding artificial insemination and IVF practices. This is necessary

to provide legal certainty and protection for the public, while also preventing practices that deviate from Islamic law, such as the use of third-party sperm or egg donors and womb rental.

Academically, further research is expected to delve deeper into the development of assisted reproductive technology in relation to Islamic law and positive law in Indonesia. Such studies are crucial for responding to the dynamics of modern medical science and ensuring that its application remains aligned with religious values, ethics, and the public interest.

REFERENCE LISTAN

- Kurniawan, Alhafiz. (2020). *Hukum Bayi Tabung*, <https://islam.nu.or.id/bahtsul-masail/hukum-bayi-tabung-UotDz>, Diakses pada 25 September 2022.
- Pambudi, Rilo. (2022). *Hukum Bayi Tabung Dalam Islam Menurut Fatwa MUI, Haram Jika Di Lakukan Dengan Demikian*, <https://www.inews.id/lifestyle/muslim/hukum-bayi-tabung-dalam-islam-menurut-fatwa-mui-haram-jika-kasusnya-demikian>, Diakses pada 25 September 2022.
- Putra, Manggala Radhitiya. (2017). *Kedudukan Anak Yang Dilahirkan Dari Inseminasi Buatan*, <https://dspace.uui.ac.id/123456789/27509>, Diakses pada 26 September 2022.
- Zuhdi, Masjfuk. (1994). *Masail Fiqhiyah*. Jakarta: CV Haji Masagung.