

# THE LAW OF ABORTION AT LESS THAN 4 MONTHS OF PREGNANCY FROM THE PERSPECTIVE OF SHEIKH ZAKARIA AL-ANSHARI AND IMAM AL-GHAZALI

Muthia Afriza  
Indonesian National Lawyers Council  
[muthia.afriza98@gmail.com](mailto:muthia.afriza98@gmail.com)

**ABSTRACT** This article aims to explore the law of aborting a foetus less than four months old. This difference arises because of differences in understanding the killing of a foetus that has not been blown into the womb of a woman. The research method used is qualitative research with an exploratory analysis approach, which examines how the law of abortion when the fetus is less than four months old by comparing the opinions of Sheikh Zakariya al-Anshari and Imam al-Ghazali. The data sources used are secondary data sources, namely Kitab *al-Gharar al-Bahiyyah fi Syarh Manzhumah al-Bahjah al-Wardiyyah* and by Sheikh Zakaria al-Anshari and Kitab *Ihya' Ulumuddin* by Imam al-Ghazali as well as books and articles based on OJS (*Open Journal System*) on the law of abortion of the womb in less than four months of age. Data processing techniques are done by processing library materials (*library research*). Techniques in analysing the data analysed by exploratory descriptive analysis using the techniques of reduction, display, and verification. The results of the research are; *first*, Ayeikh Zakariya allows abortion if the fetus in the womb is less than 4 months on the grounds that the spirit has not been blown and the fetus is not yet alive. While the opinion of Imam al-Ghazali is prohibiting abortion, because it is the same as killing intentionally. *Second*, the cause of the difference is that both of them use different arguments in strengthening their arguments, then there are differences in understanding the hadith narrated by Imam Bukhari and Muslim from Ibn Mas'ud then differences in using *ijtihad* methods. *Third*, the strongest opinion and *rajih* according to the author is the opinion of Imam al-Ghazali because humans can be more responsible for the consequences of their actions and appreciate and protect the entrustment of Allah SWT in the form of a foetus which will later become a baby who is still in a state of *fitrah*.

**KEYWORDS** *Abortion, Al-Ghazali, Zakariya Al-Anshari*

## INTRODUCTION

The coming of Islam is a blessing for the universe. One of the blessings brought by this religion is the emphasis on respecting the rights of every individual to live. Islam strongly upholds the right to life and considers that killing a single life without a legitimate reason is a very serious act. (Munarif 2022). In Islamic teachings, killing a Muslim whose blood is protected must be avenged with life as well, except in certain conditions regulated by sharia law. (Lailatusa'adah 2023).. This act of taking a life not only affects the individual victim but also deprives the victim of potential offspring, as well as leaving a profound social and emotional impact on the family and community. (Tonsakulrungruang 2023).. Thus, Islam affirms that human life is sacred and must be protected at all costs. Such behaviour is a clear act of destruction. This

is based on several words of Allah SWT Qs al-Maidah : 32

مَنْ أَجَلَ ذَلِكَ كَتَبْنَا عَلَىٰ بَنِي إِسْرَائِيلَ أَنَّهُ مَن قَتَلَ نَفْسًا  
بَغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ  
جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا وَلَقَدْ  
جَاءَتْهُمْ رُسُلُنَا بِالْبَيِّنَاتِ ثُمَّ إِنَّ كَثِيرًا مِّنْهُمْ بَعَدَ ذَلِكَ فِي  
الْأَرْضِ لَمُسْرِفُونَ ۝ ٣٢

Therefore We have ordained for the Children of Israel that whoever kills a human being, not because he killed another, or not because he caused mischief on the earth, it is as if he had killed all of mankind, and whoever preserves the life of a human being, it is as if he had preserved the life of all of mankind. And whoever preserves the life of one human being, it is as if he has preserved the life of all human beings. And indeed, Our messengers came to them with clear proofs, but many of them afterwards went beyond the pale in their corruption of the earth.

Based on the above verse, it is true that Islam provides a clear legal basis that human life is sacred so it must be preserved and should not be destroyed (terminated) unless it is done for a cause or right reason, such as in the execution of the death penalty, in war or in self-defence justified by sharia.

Abortion in the Indonesian dictionary is the termination of pregnancy (Editorial 2008). In Arabic, abortion is called *isqat al-haml* or *ijhad*, which is the abortion of the fetus and uterus. (Yunus 1973). Lafal *ijhad* has synonyms *isqat* (drop), *ilqa* (throw), *tarah* (throw), and *imlas* (remove). *Majma al-lughah al-'Arabiyah* distinguishes the meaning of *ijhad* with the discharge of the foetus before the fourth month, while *isqat* is to abort the foetus between the fourth and seventh months. (Munawwir 2007). However, scholars often interchange and alternate the use of the term *isqat* with its synonyms (Syauman 2004).

Terminologically, abortion is also understood in various ways. Ibrahim an-Nakhai explains abortion as the abortion of the fetus from the womb of a pregnant woman whether it is fully formed or not. In the perspective of jinayah Abdul Qadir Audah as quoted by Maria Ulfa Anshar stated that abortion is the abortion of the womb and deprivation of the right to life of the fetus or the act of separating the fetus from the mother's womb. (Anshar 2006). It can be understood that abortion is an attempt to terminate pregnancy by removing the foetus prematurely, either naturally or spontaneously or by using simple tools or technology.

Abortions are performed due to a variety of factors including contraceptive failure, too many children, and poverty. While less than 40% of abortions are performed by unmarried people (adolescents), due to promiscuity, rape, incest, and the consequences of the profession of prostitution. (Fentiningrum 2021). The most commonly expressed reasons for abortion are non-medical, including not wanting to have a child for fear of interfering with career, school, or other

responsibilities, not having enough money to care for a child, and not wanting to give birth to a child without a father. Other reasons include being too young (especially for those pregnant out of wedlock) and being a disgrace to the family. This reason is also often expressed by women in Indonesia who try to convince themselves that killing the foetus in their womb is permissible and justified (Abrori 2004). These reasons only show the indifference of a woman, who is concerned with her own interests without thinking about the life of the foetus she is carrying.

The view of fiqh scholars in looking at abortion generally only uses a physical approach, with direct measures that can be seen with the naked eye. So that the indications that do not appear physically such as the impact of psychological burden is not much discussed. Even in the fiqh literature there is no single scholar who discusses abortion comprehensively from various points of view. Currently, the development of medical science and technology continues to grow, the stages of foetal growth can be monitored at any time, making it possible to take a more comprehensive approach to abortion. (Anshar 2006).

The scholars differed on the issue of abortion if the soul is breathed into the foetus before four months, with some saying that it is permissible and not a crime because there is no life in the foetus. Other scholars are of the opinion that it is haram or makruh, because there is growth and development in the foetus. Islam permits delaying or preventing pregnancy, but prohibits termination of pregnancy. (Mahjuddin 1980).

Sayid Sabiq, author of *Fiqh al-Sunnah*, believes that after the sperm has settled in the womb, it is not permissible to abort the foetus if it is 120 days old. This is because aborting a foetus at that age is an offence against a creature, which entails punishment both in this world and in the Hereafter. On the other hand, aborting the foetus or destroying the result of conception before it is 120 days old is permissible, provided

there is a justifiable reason for doing so. However, if there is no justifiable reason, the ruling is *makruh*. (Sabiq 1983)

The Indonesian Ulema Council (MUI) in 2005 issued (MUI Fatwa 4/2005) on Abortion. This fatwa was issued on the consideration that today there are more and more abortions performed by the community without regard to religious guidance. In addition, many abortions are also performed by parties who do not have competence in the field, so many people are questioning the law, whether it is absolutely haram or permissible in certain conditions. Based on the Qur'an, Hadith, fiqh rules, and the opinions of classical scholars, MUI stated:

- a. Abortion is forbidden from the moment of implantation of the blastocyst into the mother's uterine wall (*nidation*).
- b. Abortion is permissible because of an excuse, either an emergency or a necessity.
  - 1) The pregnancy-related emergencies that allow abortion are:
    - a) Pregnant women suffering from severe physical illnesses such as advanced cancer, tuberculosis with *cavern* and other severe physical illnesses that must be determined by a team of doctors.
    - b) In circumstances where the pregnancy threatens the life of the mother.
  - 2) The circumstances related to pregnancy that make abortion permissible are:
    - a) The foetus was detected to have a genetic defect that, if born, would be difficult to cure.
    - b) Pregnancy resulting from rape as determined by an authorised team that includes the victim's family, a doctor and a cleric.
  - 3) The permissibility of abortion as referred to in letter b must be done before the foetus is 40 days old.
  - 4) Abortion is haram for pregnancies resulting from adultery. (MUI Fatwa 4/2005)

Based on MUI Fatwa above, it can be concluded that basically MUI agrees with classical and contemporary scholars, that abortion *qabla nafkh al-ruh* is forbidden and MUI is very strict, as the opinion of al-Gazali, that abortion *qabla nafkh al-ruh* is prohibited since the implantation of blastocyst on the wall of the mother's womb (*nidation*). However, MUI provides exceptions to abortion if there are indications that are emergency or *hajat*.

Research on abortion has been widely discussed by academics in the form of scientific papers, various dimensions that have been discussed, such as: First: The view of positive law on abortion: (Finsensius 2024); (Lianawati 2024); (Putra 2024); (Irwanto 2024); (Nurhayati 2023); (Saputra 2023); (Soekorini 2023) . Second: The view of Islamic law on abortion; (Daiyah 2023); (Tajul 2023); (Aulia 2023); (Gaynor 2024) Third: Non-Islamic legal views on abortion: (Ulbricht 2024); (Antunovic 2023). Fourth: International legal views on abortion: (Muljadi 2024). Fifth: Human rights views on abortion: (Nagary 2023); (Juarsa 2023); (Ratnawati 2022)

Fifth: The medical act of abortion: (Yusuf 2024); (Yusuf 2024) (Y. P. A. Nurhuda 2023). Fifth: The practice of abortion on deformed foetuses: (Wirianto 2022); (Rumadan 2023) . Sixth: the perpetrator participates in the act of abortion: (D. G. H. Yusuf 2024); (Suryani 2023); (Puluhulawa 2023); (Hamzah 2023) . Seventh: Efforts to prevent and protect the law on abortion: (Noeraini 2024); (Albab 2024); (R. Nurhuda 2023). Ninth: Abortion cases: (Azhar 2023); (Santoso 2022).

Various sides of the dimensions have discussed abortion. This research complements the existing dimensions, namely how the law of abortion according to Islamic law, focusing on the law of abortion when the age of the fetus is less than 4 months based on the opinions of Sheikh Zakariya al-Anshari and Imam al-Ghazali.

The purpose of this research is to explore how two great Islamic scholars, Sheikh Zakariya al-Anshari and Imam al-

Ghazali, determine the law of abortion when the fetus is not yet 4 months old. So that this research adds to the khazaah of Islamic science, especially the law of abortion.

## METHODS

The research method used is qualitative research with an exploratory analysis approach, which examines how the law of abortion when the age of the fetus is less than four months by comparing the opinions of Sheikh Zakariya al-Anshari and Imam al-Ghazali. The data sources used are secondary data sources, namely *Kitab al-Gharar al-Bahiyah fi Syarh Manzumah al-Bahjah al-Wardiyyah* and by Sheikh Zakaria al-Anshari and *Kitab Ihya' Ulumuddin* by Imam al-Ghazali as well as books and articles based on OJS (*Open Journal System*) on the law of abortion of the womb in less than four months of age. Data processing techniques are done by processing *library materials (library research)*. Techniques in analysing the data analysed by exploratory descriptive analysis using the techniques of reduction, display, and verification.

## RESULT/FINDINGS AND DISCUSSION

### The Opinion of Sheikh Zakaria al-Anshari and Imam al-Ghazali on the Law of Abortion at Less than 4 Months of Age.

Sheikh Zakariya al-Anshari or nicknamed Sheikhul Islam has contributed to the codification of Islamic science, not only experts in the field of fiqh, other sciences such as Hadith, Tafsir, Balaghah and others. His full name is Zainuddin Abu Yahya Zakariya Bin Muhammad Bin Zakaria al-Anshari, born in 824 H in a small village called Sunaikah, Egypt. He is known for his simplicity, even preferring to live in a poor environment and pious people rather than living surrounded by luxurious government officials. In 926 H, Sheikh Zakariya al-Anshari died precisely on Friday 9 Zulhijjah at the age of 100, and was buried in Qaraah City, Cairo close to the tomb of Imam al-Shafi'i. Sheikh Zakariya al-Anshari was among those who allowed it with

restrictions. As stated in one of his books (Al-Anshari 1993):

إِسْقَاطُ الْحَمْلِ إِنْ كَانَ قَبْلَ نَفْخِ الرُّوحِ جَازًا، أَوْ بَعْدَهَا حَرْمٌ  
وَيُنْبَغِي أَنْ يُعْمَلَ فِي النَّفْخِ وَعَدَمِهِ بِالظَّنِّ

It is permissible to terminate a pregnancy if the foetus has not yet been given life. However, after the foetus has a soul, it is forbidden. Whether the foetus has a soul or not is left to conjecture.

The text above Sheikh Zakaria al-Anshari is of the opinion that it is permissible to terminate the pregnancy if the foetus has not been blessed with the spirit. Imam al-Ghazali, whose full name is Abu Hamid Ibn Muhammad Ibn Ahmad al-Ghazali, was born in a small town near Thus, Khurasan Province, Iraq in 450 AH. (Sirajuddin 2007, 155). The name al-Ghazali itself comes from the word *gazzal* which means weaver of woollen threads. As for Imam al-Ghazali's own birth, so his name was attributed by people to his father's occupation or to his place of birth (Nasution 1999, 77).

After travelling to seek knowledge and teaching in various regions, Imam al-Ghazali finally returned to his hometown in Thus. Until finally he breathed his last on 14 Jumadail Akhir Year 505 H at the age of 54 years (Ali 1991, 67). Imam al-Ghazali himself has a different view on this issue, he argues in his book *Ihya' Ulumuddin* (Al-Ghazali 2003):

وَلَيْسَ هَذَا كَالْإِجْهَاضِ وَالْوَادِ، لِأَنَّ ذَلِكَ جِنَايَةٌ عَلَى مَوْجُودٍ حَاصِلٍ، وَلَهُ أَيْضًا مَرَاتِبٌ وَأَوَّلُ مَرَاتِبِ الْوُجُودِ أَنْ تَفْعَ النَّطْفَةُ فِي الرَّجْمِ وَتُخْتَلِطُ بِمَاءِ الْمَرْأَةِ وَتَسْتَعِدُّ لِقَوْلِ الْحَيَاةِ وَتَسْتَعِدُّ لِقَوْلِ الْحَيَاةِ وَإِفْسَادُ ذَلِكَ جِنَايَةٌ، فَإِنْ صَارَتْ مُضَعَّةً وَعَلَقَةً كَانَتْ الْجِنَايَةُ أَفْحَشَ، وَإِنْ نَفَخَ فِيهِ الرُّوحُ وَاسْتَوَتْ الْخَلْقَةُ إِزْدَادَتْ الْجِنَايَةُ تَفَاحُشًا، وَمُنْتَهَى التَّفَاحُشِ فِي الْجِنَايَةِ بَعْدَ الْإِنْفِصَالِ حَيًّا.

Azl is not the same as abortion, because abortion is a crime against existing forms. It is just that the degree is different. That is, even if the sperm has just entered the womb and mixed with the egg (fertilisation), which is then ready to receive life, then destroying it is considered a crime. Moreover, if it is already in the

form of *'alaqah* or *mudhghah*, then the crime is considered more severe. As for aborting a pregnancy in which the foetus is already alive and its creation is complete, the crime is even more serious.

Based on the above opinion Imam al-Ghazali explained that when male semen (sperm) has mixed with female semen (ovum) it is ready to receive life, therefore destroying it is a criminal act (crime).

### The Causes of Differences of Opinion Between Sheikh Zakaria al-Anshari and Imam al-Ghazali on the Law of Abortion at Less than 4 Months of Pregnancy

Muhammad Said Thanthawi, outlines several reasons for the differences in fiqh scholars in exploring Islamic law, as follows (al-Thanthawi 2008):

- Differences in meaning and intent as lafazh and verses of the Qur'an
- Differences in the meaning of the Prophetic hadith
- Differences in making the criteria for the recipients of the Prophet's hadith some strict, some loose
- Different ways of doing *ijma'*, *tarjih* between texts that are *taarud* and *zahir* texts, different ways of doing *qiyas*, *Istihsan*, *istishlah*, rules of multiplying the law
- Differences in the use of arguments.

Sheikh Zakariya al-Anshari has a view on the law of abortion before the womb reaches 40 days. Sheikh Zakariya al-Anshari is among those who allow it with restrictions, as stated in one of his books (al-Anshari 1993, 331):

إِسْقَاطُ الْحَمْلِ إِنْ كَانَ قَبْلَ تَفْخِ الرُّوحِ جَازًا، أَوْ بَعْدَهَا حَرْمٌ وَيَنْبَغِي أَنْ يُعْمَلَ فِي النَّفْخِ وَعَدَمِهِ بِالطَّنِّ

It is permissible to terminate a pregnancy if the foetus has not yet been given life. However, after the foetus has a soul, it is haram. Whether or not the foetus has a soul is left to conjecture.

Sheikh Zakariya al-Anshari used a Hadith narrated by Imam Bukhari and Muslim

عَنْ أَبِي عَبْدِ الرَّحْمَنِ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ رَضِيَ اللَّهُ عَنْهُ قَالَ : حَدَّثَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ وَهُوَ الصَّادِقُ الْمَصْدُوقُ : إِنَّ أَحَدَكُمْ يُجْمَعُ خَلْقُهُ فِي بَطْنِ أُمِّهِ أَرْبَعِينَ يَوْمًا نُطْفَةً ثُمَّ يَكُونُ عَلَقَةً مِثْلَ ذَلِكَ ثُمَّ يَكُونُ مُضْغَةً مِثْلَ ذَلِكَ ثُمَّ يُرْسَلُ إِلَيْهِ الْمَلَكُ فَيَنْفُخُ فِيهِ الرُّوحَ وَيُؤَمِّرُ بِأَرْبَعِ كَلِمَاتٍ : يَكْتُبُ رِزْقَهُ وَأَجَلَهُ وَعَمَلَهُ وَشَقِيًّا أَوْ سَعِيدًا فَوَ اللَّهُ الَّذِي لَا إِلَهَ غَيْرُهُ إِنَّ أَحَدَكُمْ لَيَعْمَلُ بِعَمَلِ أَهْلِ الْجَنَّةِ حَتَّى مَا يَكُونُ بَيْنَهُ وَبَيْنَهَا إِلَّا ذِرَاعٌ فَيَسْبِقُ عَلَيْهِ الْكِتَابُ فَيَعْمَلُ بِعَمَلِ أَهْلِ النَّارِ فَيَدْخُلُهَا وَإِنْ أَحَدَكُمْ لَيَعْمَلُ بِعَمَلِ أَهْلِ النَّارِ حَتَّى مَا يَكُونُ بَيْنَهُ وَبَيْنَهَا إِلَّا ذِرَاعٌ فَيَسْبِقُ عَلَيْهِ (الْكِتَابُ فَيَعْمَلُ بِعَمَلِ أَهْلِ الْجَنَّةِ فَيَدْخُلُهَا) (رواه البخاري ومسلم)

Abu Abdirrahman Abdullah ibn Mas'ud (may Allah be pleased with him) reported: The Messenger of Allah (sallallahu 'alaihi wasallam) narrated to us and he is a truthful person who should be trusted: Verily, you are created in your mother's womb for forty days in the form of sperm, then you become a lump of blood, then you become a lump of flesh, then an angel is sent, the soul is breathed into you, and four things are recorded: your sustenance, your death, your deeds, and whether you are fortunate or unfortunate. By Allah, Whom there is no god but He, surely there is among you one who does the deeds of the people of Jannah (Paradise) until there is a cubit between him and Jannah, then he is preceded by a record (taqdir) so that he does the deeds of the people of anNaar (Hell), so that he enters it (anNaar). Verily, there is one among you who does the deeds of the people of anNaar, until there is a cubit between him and anNaar, then he is preceded by a record (taqdir) so that he does the deeds of the people of jannah, so that he enters it (jannah) (H.R alBukhari and Muslim).

This Hadith has explained that at the time of the Prophet there was a question about the foetus, according to the above Hadith is that the human being has begun the formation of the foetus 40 days. First it is created in the form of *germ*, then Allah creates it into a clot of blood at the same time, then it is created into a clot of flesh. After that, the angel is sent to blow the spirit, and at that time, his fortune, age, and

misdeeds, as well as his wretchedness or happiness, are recorded.

Sheikh Zakariya al-Anshari understands the above Hadith, that the age of the foetus is blown by the spirit and has a life when the foetus is 4 months old, so that when it is less than 4 months old that has not been entered by the spirit, then it is just a piece of meat, so that aborting a pregnancy that is still in the form of meat does not enter the murder of Allah's creatures. (Al-Anshari 1993)

Another evidence that is used as reinforcement in the opinion of Sheikh Zakariya al-Anshari is in Qs. an-Nisa : 59



O you who have believed, obey Allah and obey His Messenger, and the rulers among you.... ..

This verse explains that all the problems that exist in this world are guided or relied upon is to return to the Qur'an, if not in the Qur'an return to the Sunnah or Hadith, if not also found, then can be asked to leaders or people who are more pious. Therefore, if the condition of a woman's pregnancy can threaten her life, then a person and a team of medical personnel will try to save the woman's life, even though they will abort her pregnancy to save her. (Gibtiah 2014).

The main purpose of Islamic law is to realise the benefit of human life by bringing prosperity and avoiding harm in their lives. Human welfare can be realised if the basic needs (*dharuriyah*), secondary needs (*hajjiyah*) and complementary needs (*tahsiniyah*) are guaranteed. (Khallaf 1985)

Imam al-Ghazali himself has a different view on this issue, he argues in his book *Ihya Ulumuddin* (Al-Ghazali 2003):

وَلَيْسَ هَذَا كَالْإِجْهَاضِ وَالْوَادِ، لِأَنَّ ذَلِكَ جَنَائِيَةٌ عَلَى مَوْجُودٍ حَاصِلٍ، وَلَهُ أَيْضًا مَرَاتِبٌ وَأَوَّلُ مَرَاتِبِ الْوُجُودِ أَنْ تَقَعَ النُّطْفَةُ فِي الرَّحِمِ وَتَخْتَلِطُ بِمَاءِ الْمَرْأَةِ وَتَسْتَعِدُّ لِقَوْلِ الْحَيَاةِ وَتَسْتَعِدُّ لِقَوْلِ الْحَيَاةِ وَافْسَادُ ذَلِكَ جَنَائِيَةٌ، فَإِنْ صَارَتْ مُضْعَةً وَعَلَقَةً كَانَتْ الْجَنَائِيَةُ أَفْحَشَ، وَإِنْ نَفَخَ فِيهِ الرُّوحَ وَاسْتَوَتْ الْحَلْقَةُ إِزْدَادَتْ الْجَنَائِيَةُ تَفَاحُشًا، وَمُنْتَهَى التَّفَاحُشِ فِي الْجَنَائِيَةِ بَعْدَ الْإِنْفِصَالِ حَيًّا

Azl is not the same as abortion, because abortion is a crime against existing forms. It is just that the degree is different. That is, even if the sperm has just entered the womb and mixed with the egg (fertilisation), which is then ready to receive life, then destroying it is considered a crime. Moreover, if it is already in the form of *'alaqah* or *mudhgah*, then the crime is considered more severe. As for aborting a pregnancy in which the foetus is already alive and its creation is complete, the crime is considered even more severe. (al Ghazali 1999:53)

As stated above, this statement indicates the use of *istinbath* law by means of *qiyas*. According to Imam al-Ghazali, the act of abortion is a criminal offence that is absolutely forbidden, whether it has a spirit or not. In addition, in a life based on the meeting of sperm cells mixed into the ovum that causes the existence of life, which if there is an abortion then it is a murder especially after a lump of blood and a lump of flesh, certainly a more heinous act. (Al-Ghazali 2003)

The above statement also shows the prohibition of killing a foetus that is already in the womb. This is because the foetus is formed by the meeting of sperm and egg cells in the womb. Therefore, to protect the soul of the foetus (*hifdz an nafs*) and to protect the offspring (*hifzn an nasl*) is very important and if aborting the womb since the beginning of conception is included in the category of murder. In this case, the key importance is that *fiqh* must be able to prevent damage and bring benefits to human life.

Imam al-Ghazali strengthened his opinion by using various arguments in the *nash*, both from the Qur'an and Hadith. As in Qs. al-Isra : 31



And do not kill your children for fear of poverty; we will provide for them and for you. Indeed, killing them is a great sin.

Based on the verse, that killing a child in any form is prohibited, let alone the cause is for fear of poverty, because Allah has arranged all the sustenance of each servant, even the sustenance for babies who have been born and blown into the fetus. So there is no reason for economic factors to cause abortion.

Islam does not allow to end a person's life except for the right reasons, such as the death penalty for deliberately taking someone's life. The life of a person whose blood is protected must be preserved and must not be eliminated.

Not only that, Imam al-Ghazali revealed the prohibition of abortion, is a form of crime that eliminates the life of the blood protected in Islam, Allah SWT said in Qs. al-Isra : 33

And whoever is unjustly killed, We have given power to his heirs, but let not the heirs overreach in killing. Verily, he is one who is helped.

The prohibition of abortion is a form of murder that is prohibited by Allah SWT, the reason for this prohibition is the absence of a *nash* that allows abortion, Allah SWT says in Qs. al-An'am : 151

And do not kill your children for fear of poverty; we will provide for them and for you. Indeed, killing them is a great sin.

Based on the verse, that killing a child in any form is prohibited, let alone the cause is for fear of poverty, because Allah has arranged all the sustenance of each servant, even the sustenance for babies who have been born and blown into the fetus. So there is no reason for economic factors to cause abortion.

Islam does not allow to end a person's life except for the right reasons, such as the death penalty for deliberately taking someone's life. The life of a person whose blood is protected must be preserved and must not be eliminated.

Not only that, Imam al-Ghazali revealed the prohibition of abortion, is a form of crime that eliminates the life of the blood protected in Islam, Allah SWT said in Qs. al-Isra : 33

And do not kill your children for fear of poverty; we will provide for them and for you. Indeed, killing them is a great sin.

Based on the verse, that killing a child in any form is prohibited, let alone the cause is for fear of poverty, because Allah has arranged all the sustenance of each servant, even the sustenance for babies who have been born and blown into the fetus. So there is no reason for economic factors to cause abortion.

Islam does not allow to end a person's life except for the right reasons, such as the death penalty for deliberately taking someone's life. The life of a person whose blood is protected must be preserved and must not be eliminated.

Not only that, Imam al-Ghazali revealed the prohibition of abortion, is a form of crime that eliminates the life of the blood protected in Islam, Allah SWT said in Qs. al-Isra : 33

And do not kill your children for fear of poverty; we will provide for them and for you. Indeed, killing them is a great sin.

Based on the verse, that killing a child in any form is prohibited, let alone the cause is for fear of poverty, because Allah has arranged all the sustenance of each servant, even the sustenance for babies who have been born and blown into the fetus. So there is no reason for economic factors to cause abortion.

must provide answers in the form of legal solutions to the problems that are discussed, especially the problem of abortion in women. Qiyas consists of four requirements (Al-Khali 1998):

1. Ashl

Ashl is an old case that has been ruled upon either in the *nashas* or *ijma'*. Here the original is killing, as mentioned in Q.S al-Isra' verses 31 and 33 and Q.S al-An'am verse 151.

2. Far'u

Far'u is a case that is sought to be ruled on or equated with a case that already has a ruling. Here, the far'u is abortion, which has no ruling in the text.

3. Ashl law

The ashl law is the law of *shara'* which is determined by the text and is desired to establish the far'u law. here the original law of killing is haram so Imam al-Ghazali determined the law of abortion is haram because he made an analogy to murder.

4. Illat

Illat can be interpreted as *hujjah* or the same reason between ashl and far'u. Here the same reason used by Imam al-Ghazali using *qiyas* is that the illat is equally eliminating life

Imam al-Ghazali himself also used *hadith* in corroborating his opinion, such as the *Hadith* narrated by Imam Bukhari and Muslim

عَنْ أَبِي عَبْدِ الرَّحْمَنِ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ رَضِيَ اللَّهُ عَنْهُ قَالَ : حَدَّثَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ وَهُوَ الصَّادِقُ الْمَصْدُوقُ : إِنَّ أَحَدَكُمْ يُجْمَعُ خَلْقُهُ فِي بَطْنِ أُمِّهِ أَرْبَعِينَ يَوْمًا نُطْفَةً ثُمَّ يَكُونُ عَلَقَةً مِثْلَ ذَلِكَ ثُمَّ يَكُونُ مُضْغَةً مِثْلَ ذَلِكَ ثُمَّ يُرْسَلُ إِلَيْهِ الْمَلَكُ فَيَنْفُخُ فِيهِ الرُّوحَ وَيُؤَمَّرُ بِأَرْبَعِ كَلِمَاتٍ : يَكْتَبُ رِزْقَهُ وَأَجَلَهُ وَعَمَلَهُ وَشَقِيًّا أَوْ سَعِيدًا فَوَاللَّهِ الَّذِي لَا إِلَهَ غَيْرُهُ إِنَّ أَحَدَكُمْ لَيَعْمَلُ بِعَمَلِ أَهْلِ الْجَنَّةِ حَتَّىٰ مَا يَكُونُ بَيِّنَةً وَبَيِّنَاتُهَا إِلَّا ذِرَاعٌ فَيَسْبِقُ عَلَيْهِ الْكِتَابُ فَيَعْمَلُ بِعَمَلِ أَهْلِ النَّارِ فَيَدْخُلُهَا وَإِنَّ أَحَدَكُمْ لَيَعْمَلُ بِعَمَلِ أَهْلِ النَّارِ حَتَّىٰ مَا يَكُونُ بَيِّنَةً وَبَيِّنَاتُهَا إِلَّا ذِرَاعٌ فَيَسْبِقُ عَلَيْهِ (الْكِتَابُ فَيَعْمَلُ بِعَمَلِ أَهْلِ الْجَنَّةِ فَيَدْخُلُهَا) (رواه البخاري ومسلم)

Abu Abdurrahman Abdullah ibn Mas'ud (may Allah be pleased with him) reported: The Messenger of Allah (sallallahu 'alaihi wasallam) narrated to us and he is a truthful person who should be trusted: Verily, you are created in your mother's womb for forty days in the form of

sperm, then you become a clot of blood, then you become a lump of flesh, then an angel is sent, the soul is breathed into you, and four things are recorded: your sustenance, your death, your deeds, and whether you are fortunate or unfortunate. By Allah, Whom there is no god but He, surely there is among you one who does the deeds of the people of Jannah (Paradise) until there is a cubit between him and Jannah, then he is preceded by a record (*taqdir*) so that he does the deeds of the people of anNaar (Hell), so that he enters it (anNaar). Verily, there is one among you who does the deeds of the people of anNaar, until there is a cubit between him and anNaar, then he is preceded by a record (*taqdir*) so that he does the deeds of the people of jannah, so that he enters it (jannah) (H.R alBukhari and Muslim).

Based on these arguments, abortion is forbidden to do at the age of the womb that is less or still 4 months old because it is a crime and a type of murder which is basically forbidden by Islam. (al-Ghazali 2011, 149). Consideration of Imam al-Ghazali in forbidding abortion regardless of gestational age as a form of human formation is when the sperm and ovum united in the womb. If in that phase abortion is done then included in the criminal act against the creature that is already *manifest*. The act of abortion is haram, and in the next phase the prohibition of abortion is increasing. (al-Ghazali 2011, 151). Abortions performed after 40 days, as in the *Hadith*, are still forbidden, just as abortions performed before 4 months are forbidden.

There are several levels of miscarriage or abortion, firstly the *germ* that is in the womb that has mixed with the woman's egg and is ready to live. Aborting it is considered a crime. Secondly, the *germ* has become a clot of blood and then becomes flesh, the abortion of it has become a clot of blood and then becomes flesh, the abortion of it is a greater crime. The third level is when the soul has been blown into it and it



has been completed into a baby, the miscarriage of which is a far greater crime. (Yusuf 2008, 452)

The next Hadith used by Imam al-Ghazali is the Hadith narrated by Muslim  
عَنْ عَبْدِ بْنِ الصَّامِتِ قَالَ كُنَّا مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي مَجْلِسٍ فَقَالَ تَبَايَعُونِي عَلَى أَنْ لَا تُشْرِكُوا بِاللَّهِ شَيْئًا وَلَا تَزْنُوا وَلَا تَسْرِقُوا وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَمَّ اللَّهُ إِلَّا بِالْحَقِّ (رواه مسلم).

Narrated Ubaidillah bin Shamit: We were with the Messenger of Allah (SAW) in an assembly, and he said: "I am pledged not to associate Allah SWT with anything, do not commit adultery, steal, and do not kill a soul that Allah has forbidden except with *haq* (HR. Muslim).

Based on the various arguments used by the two Imams, the author can conclude that the cause of the difference of opinion in determining the law on abortion at the age of less than 4 months is:

a. Use of different arguments

Sheikh Zakariya al-Anshari in strengthening his opinion used the hadith narrated by Imam Bukhari and Muslim. While Imam al-Ghazali used the argument of Qs. al-Isra' : 31, al-Isra' : 33 and Qs. al-An'am : 151 and the hadith narrated by Imam Bukhari and Imam Muslim.

b. Differences in the meaning of the Prophetic hadith

Sheikh Zakariya al-Anshari used the hadith narrated by Imam Bukhari and Muslim from Ibn Mas'ud, and Imam al-Ghazali also used the same argument. But what makes them disagree is the understanding of the wording of the hadith.

c. Differences in using the mote of *ijtihad*

Based on the use of evidence and understanding of the two scholars, the author argues that Sheikh Zakariya uses an understanding of the textual hadith lafaz. While Imam al-Ghazali uses the *qiyas* method and Imam al-Ghazali equates the prohibition of abortion with intentional killing, that both actions result in the loss of life of victims who are protected blood and soul, on the other hand Imam al-Ghazali closed the possibility of abortion freely, even

doing abortion outside the marriage relationship.

### **The strongest opinion between Sheikh Zakaria al-Anshari and Imam al-Ghazali on the ruling of abortion at less than 4 months of pregnancy**

Jurisprudence is used to regulate and guide Muslims throughout the behaviour of human life so that life is calm and in the pleasure of Allah SWT. Problems with the fiqh of abortion, the opinions of the scholars are very diverse, although with arguments that are equally sourced from the text of the *nash*. Classical scholars from the Hanafi school allow abortion before the pregnancy is 120 days old on the grounds that creation has not occurred. The view of some other scholars of this school is that it is only permissible before 80 days of pregnancy on the grounds that creation occurs after entering the *mudhghah* stage or the foetus enters the second 40 days of age. (Abidin 1996)

The Maalikis are of the opinion that life begins at conception. Therefore, according to them, abortion is not permitted even before the foetus is four months old. (Ryusd 2008, 327). Shaykh al-Laisy said, "If the womb has caught the semen, then it is not permissible for the husband and wife or one of them to abort the foetus, either before creation or after creation". (Yasin 2001)

The scholars of the al-Shafi'iyah school prohibit abortion on the grounds that life begins from conception as the opinion of Imam al-Ghazali in his work *Ihya Ulumuddin*, but some of the scholars of this school such as Abi Sad and al-Qurthubi allow it. Scholars of the al-Shafi'iyah Mazhab differed in the time of abortion, but they agreed that abortion is forbidden when the spirit has been blown into the foetus. (Anshar 2006).

On the issue of the law of abortion in the womb age of less than 4 months, the author is more inclined to the opinion of Imam al-Ghazali, and is considered the strongest opinion regarding the law of abortion in this case. This is inseparable from the arguments of Imam al-Ghazali and

several sources of evidence from the *text* that is used as a source in his opinion.

Another reason that makes the author more inclined to the opinion of Imam al-Ghazali is the legal consequences in the implementation of the law. A woman does not necessarily have an abortion or abort the fetus that she has been carrying, especially if the fetus that is conceived is the result of adultery outside of marriage. So that humans can be responsible for the fetus that will become a child, and keep the trust that Allah SWT has given.

The prohibition of abortion is inseparable from the understanding that every child born from every mother in this world is born with a *fitrah* (pure) condition. The sanctity makes the blood and soul is protected from murder in the form of abortion. All children who are born the same disisin Allah SWT. Rasulullah SAW said:

قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كُلُّ مَوْلُودٍ يُوَلَّدُ عَلَى الْفِطْرَةِ  
(رواه البخاري) فَأَوَاهُ يَهُودَانِهِ أَوْ نَصْرَانِيَةٍ أَوْ مَجْسَانِيَةٍ.

Rasulullah SAW said: Every child is born in a state of *fitrah*, so it is the mother or father who makes the child a Jew, Christian, or Magi (HR. Bukhari).

The act of abortion also closes the possibility of an act committed by a woman who has had conjugal relations outside of marriage, so that a foetus does not become a victim of abortion against a foetus whose blood and soul are protected and still in a state of *fitrah*.

Based on the previous description, it

## CONCLUSION

can be concluded that Sheikh Zakariya al-Anshari in strengthening his opinion uses the hadith narrated by Imam Bukhari and Muslim. While Imam al-Ghazali used the argument of Qs. al-Isra' : 31, al-Isra' : 33 and Qs. al-An'am : 151 and the hadith narrated by Imam Bukhari and Imam Muslim.

The cause of the difference of opinion between Sheikh Zakariya al-Anshari and Imam al-Ghazali is that both of them use different arguments in strengthening their respective arguments. There are differences

in understanding the hadith, namely in the hadith narrated by Imam Bukhar from Ibn Mas'ud. Then the difference in using *ijtihad* methods, Sheikh Zakariya al-Anshari uses textual understanding of the hadith, while Imam al-Ghazali uses *qiyas*.

The author is more inclined to the opinion of Imam al-Ghazali, on the other

## REFERENCE / READING LIST

hand the author argues that Imam al-Ghazali's opinion is the strongest. The reason the author prefers to his opinion is that humans can be more responsible for the consequences of their actions and appreciate and keep the entrustment of Allah SWT in the form of a fetus that will later become a baby who is still in a state of *fitrah*. In addition, the author feels that the legal consequences given, the prohibition of abortion can narrow the occurrence of unwanted pregnancies such as pregnancy outside of marriage to abort the existing fetus, so that women are not free to abort the womb as a result of their actions.

Al-Anshari, Zakariya. 1993. *Al-Gharar Al-Bayyinah*. Baerut: Dar al-Kutub al-Ilmiyah.

Al-Ghazali, Abdul Hamid. 2003. *Ihya'ul Ulumuddin*. Jakarta: Lentera Hati.

Al-Khalf, Abdul Wahhab. 1998. *Ilm Ushul Al-Fiqh*. Beirut: Dar al-Qalm.

Albab, Chantika Zahra Adisaputra; Abdul Kolib; Nunuk Nugrohowati; Ulul. 2024. "Survey of Doctors' Knowledge Level of the Indonesian Medical Code of Ethics (KODEKI) and Attitudes Towards Preventing Illegal Abortion." *Indonesian Journal of Medical Ethics* 8 (1). <https://ilmiahindonesia.id/index.php/jeki/article/view/7>.

Anshar, Maria Ulfa. 2006. *Fikih Abortion: A Discourse on Strengthening Women's Reproductive Rights*. Jakarta: Kompas, Fayat & Ford Foundation.

Antunovic, Anto Mistic; Ivan. 2023. "O Pobačaju i Čedomorstvu u Ranokršćanskom (Patrističkom)

- Razdoblju." *Nova Prisutnost* XXI (3): 503–17.  
<https://doi.org/10.31192/np.21.3.2>.
- Aulia, Akmal. 2023. "The Law of Abortion Due to Adultery in the Perspective of the Shafi'i Mazhab." *Al-Nadhair Journal* 2 (1).  
<https://jurnal.mahadalymudi.ac.id/index.php/Al-Nadhair/article/view/26>.
- Azhar, Fira Humaira; Sudianto; 2023. "Analysis of Abortion for Married Women in Tanjung Pura Sub-district." *JSL: Journal Smart Law* 1 (2).  
<https://jurnal.perima.or.id/index.php/JSL/article/view/202>.
- Daiyah, Latidah; Rizky Vaira; Merlin Karinda; Tri Tunggal; Isrowiyatun. 2023. "Abortion in the View of Islam." *JIKES: Journal of Science* ....  
<http://qjurnal.my.id/index.php/jik/article/view/196>.
- Fentiningrum, H. 2021. "Comparison of Abortion in the Perspective of Imam Ghazali's Maqashid Shari'ah and Its Relationship with Economic Factors." *Codification*.  
<https://scholar.archive.org/work/46g7bwbxenbr3hlgg35ja35fee/access/wayback/https://jurnal.iainponorogo.ac.id/index.php/kodifikasia/article/download/2607/pdf>.
- Finsensius, Ermes Nikolaus; Babtista Juan Mana Tani; Yohanes Bendito Mitang; Antonius Tuku Tiwa; Elroswit E. Teresa Gae Soro; 2024. "Journal of the Crime of Abortion of a Student Couple in Sukoharjo, Central Java." *JCS: Journal of Comprehensive Science* 3 (1).  
<https://jcs.greenpublisher.id/index.php/jcs/article/view/603>.
- Gaynor, Yumna Agha; Kelth. 2024. "A Qualitative Exploration of Young Female Muslims' Perspectives of Abortion and Belonging Following the 2018 Irish Abortion Referendum." *Sexuality Research and Social Policy* 21 (2): 657–66.  
<https://doi.org/10.1007/s13178-023-00932-x>.
- Hamzah, Ismi Fadjriah. 2023. "Legal Status of the Actions of Medical Personnel/Health Workers Providing Abortion Services Based on Law Number 17 of 2023 Concerning Health." *Innovative: Journal Of Social Science Research* 3 (6). <http://j-innovative.org/index.php/Innovative/article/view/9890>.
- Irwanto, Engga Khairani. 2024. "Juridical Review of the Act of Abortion as a Result of Rape Based on the Provisions of the Legislation." *Unes Journal of Swara Justisia* 7 (4): 1294–1307.  
<https://doi.org/10.31933/ujsj.v7i4.441>.
- Juarsa, Muhammad Raffi; Eka. 2023. "The Crime of Abortion from the Perspective of Human Rights and Indonesian Positive Law." *Journal of Legal Science Research*, July, 43-48.  
<https://doi.org/10.29313/jrih.v3i1.2130>.
- Lailatusa'adah, Sapto Budoyo; Wahyu Widodo; Nur. 2023. "Criminal Sentencing for Abortion Offenders (Study of District Court Decision Number 187/Pid. B/2018/Pn Palu)." *Journal of Indonesian Legal Development* 5 (2): 325-38.  
<https://ejournal2.undip.ac.id/index.php/jphi/article/view/17550>.
- Lianawati, Nancy Ayu. 2024. "Analysis of the Criminal Verdict of the Illegal Abortion Perpetrator: Case Study: 136/Pid. Sus/2023/PN Byl." *Terang: Journal of Social, Political and Legal Studies* 1 (2).  
<https://journal.appihi.or.id/index.php/Terang/article/view/214>.
- Mahjuddin. 1980. *Masailul Fiqhiyyah: Various Cases Facing Islamic Law Today*. Jakarta: Kalam Mulia.
- Muljadi, Muhammad Restu Arrasyiid; Stanly. 2024. "A Review of International Law and the Concept of Liberalism Against the Case Study of Abortion Legalisation." *Jurnal Cahaya Mandalika*

- 5 (2).  
<https://www.ojs.cahayamandalika.com/index.php/jcm/article/view/2953>.
- Munarif. 2022. "Comparative Analysis of Abortion Law According to Islamic Law with Indonesian Criminal Law." *Journal of Islamic Law and Economics* 4 (1).  
<https://unisa-palu.e-journal.id/Almashadir/article/view/82>.
- Munawwir, Achmad Warson. 2007. *Indonesian Arabic Dictionary*. Surabaya: Progressive Library.
- Nagary, Adila Bella. 2023. "Juridical Review of Abortion Due to Rape and Its Implications for Human Rights." *Triwikrama: Multidisciplinary Journal of Social Sciences* 1 (3).  
<http://ejournal.warunayama.org/index.php/triwikrama/article/view/158>.
- Noeraini, Mulazimah; Entin Srihadi Yanti; Dhewi Nurahmawati; Ardina Rezky. 2024. "Prevention of Juvenile Delinquency Through Counselling Activities on Drug Abuse and the Dangers of Abortion." *Contribution: Journal* ....  
<https://jurnal.ciptamediaharmoni.id/index.php/kontribusi/article/view/377>.
- Nurhayati. 2023. "Literature Review: Abortion Law in Indonesia." *Iuris Studia: Journal of Legal Studies* 4 (3).  
<http://www.jurnal.bundamedia grup.co.id/index.php/iuris/article/view/400>.
- Nurhuda, Rohmad. 2023. "Regulation of Abortion for Rape Victims from the Perspective of Human Rights and Gender." *Pro Justicia: Journal of Law and Society* 3 (2).  
<https://jurnal.iairmngabar.com/index.php/projus/article/view/654>.
- Nurhuda, Yulia Putri; Abid. 2023. "The Morality of Abortion Due to Teenage Pregnancy: Viewed from the Perspective of Feminism and Science." *Review of Psychology and Mental Health* 1 (1).  
<http://penerbitgoodwood.com/index.php/kpkm/article/view/2284>.
- Puluhulawa, Mariyati Mile; Nur Mohamad Kasim; Jufryanto. 2023. "Sentencing of Perpetrators of the Crime of Disposal of Aborted Baby Fetuses from the Perspective of Islamic Criminal Law." *Aufklarung: Journal of Education, Social and Humanities* 3 (1).  
<http://pijarpemikiran.com/index.php/Aufklarung/article/view/444>.
- Putra, Kusuma. 2024. "Abortion Without Medical Indication in the Viewpoint of Law No. 17 of 2023 on Health, the Criminal Code and Law No. 1 of 2021." *Journal of Cahaya Mandalika* 3 (3).  
<https://ojs.cahayamandalika.com/index.php/jcm/article/view/2640>.
- Ratnawati, E T R. 2022. "Abortion and the Right to Life of the Fetus in the Perspective of Human Rights and Health." *Juris Humanity: Journal of Research and Study of Human Rights Law* 1 (1).  
<https://doi.org/https://doi.org/10.2211/jrkhm.v1i1.3>.
- Editorial Team. 2008. *Indonesian Dictionary*. Jakarta: Language Centre, Ministry of Education.
- Rumadan, Salmiwati. 2023. "The Law of Abortion for Genetically Defective Foetus in Contemporary Fiqh Perspective." *TAHKIM* 16 (2).  
[https://www.academia.edu/download/109844707/20\\_Salmiwati\\_Hkm\\_Aborsi\\_OK.pdf](https://www.academia.edu/download/109844707/20_Salmiwati_Hkm_Aborsi_OK.pdf).
- Sabiq, Al-Said. 1983. *Fiqh Al-Sunnah*. II. Beirut: Dar al- Fikr.
- Santoso, Robert One Daniesha Mahendra; Aris Prio Agus. 2022. "Juridical Analysis of Abortion Performed by Obgyn Doctors at the Request of the Patient or Family." *JISIP (Journal of Social Science and Education)* 6 (3).  
<https://ejournal.mandalanursa.org/index.php/JISIP/article/view/3421>.
- Saputra. 2023. "Abortion in the Light of Indonesian Law: Explanation and Controversy." *Indonesian Student Journal* 1 (1): 1-12.

- Soekorini, Yolanda Yoshe; Noenik. 2023. "Criminal Responsibility of a Mother Who Performs an Abortion Without a Legal Marriage Bond." *Civilia: Journal of Legal Studies and Civic Education* 2 (4). <https://doi.org/https://doi.org/10.572349/civilia.v2i4.905>.
- Suryani, Yeni Triana; Mike Trisnawati; Vivi Alviana; Yovie. 2023. "Legal Responsibility of Doctors for Abortion." *Innovative: Journal Of Social Science Research* 3 (2). <http://j-innovative.org/index.php/Innovative/article/view/1889>.
- Syauman, Abbas. 2004. *The Law of Abortion in Islam*. Jakarta: Candekia Sentra Muslim.
- Tajul, Nur Fauzan Romadhon; Ahnaf Arifin; 2023. "Abortion in the Perspective of Hadith Reported by Ahmad Bin Hanbal No 18989." *MUSHAF JOURNAL: Journal of Quranic and Hadith Sciences* 3 (2): 205–17. <https://doi.org/10.54443/mushaf.v3i2.122>.
- Tonsakulrungruang, Khemthong. 2023. *Religions and the Death Penalty in Southeast Asia. Unpacking the Death Penalty in ASEAN*. Singapore: Springer Nature Singapore. [https://doi.org/10.1007/978-981-19-8840-0\\_6](https://doi.org/10.1007/978-981-19-8840-0_6).
- Ulbricht, Alexej. 2024. "Who Can Talk about Abortion? Information, Offence, Freedom of Speech, and the Advertising Ban in Germany." *Politics* 44 (1): 25–38. <https://doi.org/10.1177/02633957211024489>.
- Wirianto, Yanto Paulus Hermanto; Mishale Setiawan. 2022. "A Christian Ethical View of Abortion on Defective Fetuses." *Journal of Living News Theology* 4 (2): 591-607. <https://www.e-journal.sttberitahidup.ac.id/index.php/jbh/article/view/243>.
- Yunus, Mahmud. 1973. *Indonesian Arabic Dictionary*. Jakarta: Yayasan Penyelenggaraan Penerjemah dan
- Penafsir al-Quran.
- Yusuf, Dini Gusdian; Hudi. 2024. "Criminal Liability of Persons Who Participate (Deelneming) in the Act of Abortion in the Health Law Ri." *Jurnal Intelek Dan Cendekiawan Nusantara* 1 (2). <https://jicnusantara.com/index.php/jicn/article/view/248>.
- Yusuf, Dorteis Yenjau; Muhamad Yusuf; Hudi. 2024. "Understanding Abortion: A Review from the Perspective of Medical Theory and Law." *Jurnal Intelek Dan Cendekiawa* 1 (2). <https://jicnusantara.com/index.php/jicn/article/view/292>.
- Yusuf, Vini Andita; Joshua Moang Leo Alberto Dela Cruz; Hadi. 2024. "Forensic The Function of Legal Science in Sexual Crimes Which Result in an Increase in Abortions According to a Forensic Medicin." *Jurnal Intelek Dan Cendekiawan Nusantara* 1 (2): 2743-49.