

The Law of Breastfeeding in Islam: A Maqasid al-Shari'ah Analysis of Classical and Contemporary Issues

Panji Anugrah

Universitas Islam Negeri Alauddin Makassar

Corresponding author's email: panjiarhamnew@gmail.com

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Abstract

Breastfeeding (*rada'ah*) constitutes an essential component of Islamic family law, as it not only fulfills the biological needs of the child but also carries legal implications for lineage, mahram relationships, guardianship, and the overall structure of the family. This article examines the legal provisions governing breastfeeding in Islam based on the Qur'an, hadith, and the views of Islamic legal schools, while also addressing both classical and contemporary issues related to it. Using a library research method with a descriptive-analytical approach, this study analyzes classical fiqh texts, hadith collections, fatwas, and relevant scholarly literature. The findings indicate that classical scholars developed comprehensive regulations on breastfeeding to safeguard lineage and family stability, whereas social and technological developments have generated new challenges such as breast milk donation, human milk banks, adoption, and modern reproductive technologies. The article argues that a *maqāṣid al-sharī'ah* approach provides a crucial framework for addressing these challenges by prioritizing the protection of lineage, life, and the welfare of children as the core objectives of Islamic law.

Keywords: *Breastfeeding; Rada'ah; Islamic family law; Mahram; Classical and contemporary issues; Maqasid al-shari'ah.*

Abstrak

Penyusuan (*radha'*) merupakan bagian penting dalam hukum keluarga Islam karena tidak hanya berfungsi memenuhi kebutuhan biologis anak, tetapi juga membawa implikasi hukum terhadap nasab, hubungan mahram, perwalian, dan struktur keluarga. Artikel ini mengkaji ketentuan hukum penyusuan dalam Islam berdasarkan al-Qur'an, hadis, dan

pandangan mazhab fikih, serta membahas persoalan klasik dan kontemporer yang berkaitan dengannya. Penelitian ini menggunakan metode kepustakaan dengan pendekatan deskriptif-analitis melalui kajian kitab fikih, hadis, fatwa, serta literatur ilmiah. Hasil kajian menunjukkan bahwa ulama klasik telah membahas penyusuan secara komprehensif untuk menjaga kejelasan nasab dan stabilitas keluarga, sementara perkembangan sosial dan teknologi melahirkan isu baru seperti donor ASI, bank ASI, adopsi, dan teknologi reproduksi modern. Artikel ini menegaskan bahwa pendekatan *maqasid al-syari'ah* menjadi kerangka penting untuk merespons tantangan tersebut dengan tetap menempatkan perlindungan keturunan, jiwa, dan kemaslahatan anak sebagai tujuan utama syariat.

Kata Kunci: Penyusuan; Rada'ah; Hukum keluarga Islam; Mahram; Isu klasik dan kontemporer; Maqasid al-syari'ah

Introduction

Breastfeeding (*radha'*) in Islamic teachings is not only understood as a way of providing nutrition to an infant, but it also carries a strong legal dimension. Islam places breastfeeding in a special position because it is directly related to the protection of lineage (*hifz al-nasl*), which is one of the main objectives of Islamic law (*maqasid al-shari'ah*). Therefore, breastfeeding cannot be viewed merely as a biological process, but rather as a legal mechanism in Islamic law that plays a role in determining *mahram* relationships and preserving the integrity of the Muslim family structure. The verses of the Qur'an give special attention to the breastfeeding period for infants. As Allah says in QS. *al-Baqarah* 2:233:

وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنِمَّ الرِّضَاعَةَ¹

“Mothers shall breastfeed their children for two complete years, for those who wish to complete the nursing period.”¹

This statement confirms that breastfeeding in Islam is not merely understood as a biological process to fulfill the physical needs of a baby, but also as part of Islamic guidance that contains important human values. Breastfeeding is positioned as a child's right that must be fulfilled during the early stage of life, both in terms of nutrition and the development of an emotional bond with the mother. Through breastfeeding, a child not only receives essential nutrients needed for physical growth and development, but also experiences warmth, security, and affection, which become the foundation of psychological well-being. Thus, the Islamic command regarding

¹ Kementrian Agama RI, *Al-Quran dan Terjemahnya*, Cet. 1. (Bandung : PT. Cordoba Internasional Indonesia, 2012), 37.

breastfeeding reflects Islam's concern for the overall welfare of children, including physical, emotional, and social aspects, while also emphasizing the role of the family as the first environment in nurturing a healthy and dignified generation.

In classical Islamic jurisprudence (*fiqh*), breastfeeding has very significant legal consequences, especially in relation to *mahram* relationships. The Prophet Muhammad ﷺ also explained the rules of breastfeeding in a hadith, in which he said:

يَحْرُمُ مِنَ الرَّضَاعِ مَا يَحْرُمُ مِنَ الْوَلَادَةِ²

“What becomes unlawful through breastfeeding is the same as what becomes unlawful through lineage.”

Thus, breastfeeding not only affects the health and development of a child, but also determines the structure of family relationships, including marriage prohibitions, limits of interaction between men and women, and guardianship rights. At this point, breastfeeding becomes a unique area of law because it involves both biological and social aspects, while its legal consequences last for a lifetime.

The existence of breastfeeding as a legal institution has become even more relevant in the modern era. Social changes and developments in medical technology have given rise to new issues such as breast milk donation, breast milk banks, child adoption that requires the establishment of *mahram* relationships through breastfeeding, as well as cases of surrogate mothers and in vitro fertilization that raise new questions regarding the status of foster mothers and their legal implications.³ These challenges require a reexamination of classical *fiqh* rulings so that they remain relevant to the needs of contemporary Muslim society without neglecting the provisions of *turath*.

In academic discussions, most studies on breastfeeding in Islam still focus on classical *fiqh* studies and comparisons among the schools of thought. Meanwhile, discussions on modern issues, such as how breastfeeding law is integrated into national health systems, regulations concerning breast milk banks, the determination of *mahram* status for adopted children, and the position of breastfeeding in contemporary society, have not been widely explored in depth. This research gap indicates the need to reexamine the heritage of *fiqh* from the perspective of *maqasid al-shari'ah*, so that the law of breastfeeding can

² *Muhammad bin Ismail al-Bukhary*, 'Shahih Al-Bukhary', Juz 7 (Mesir: Dar al-Ta'shil, 2012). 105.

³ Luthfia Hanifatul Saiyidah and others, 'Analisis Hak Anak Terhadap ASI (Air Susu Ibu) Dalam Konteks Pendidikan Karakter Islami', 20.2 (2025), 263–72

provide solutions that are relevant to the needs of the Muslim community while still preserving the fundamental principles of Islamic law.

Based on the explanation above, this study aims to: (1) explain the legal rulings of breastfeeding in Islam based on the Qur'an, hadith, and the views of the Islamic schools of law; (2) examine various classical and contemporary issues related to breastfeeding; and (3) offer an Islamic legal approach based on *maqasid al-shari'ah* to respond to these challenges. Through these objectives, this research is expected to provide both theoretical and practical contributions to the development of Islamic law, especially in the fields of family law and child protection.

Methods

This study uses a qualitative method with a library research approach, which relies on literary sources as the main basis for formulating and analyzing the topic of study. The entire research process was carried out through in-depth exploration and examination of primary sources, including the Qur'an, the hadith of the Prophet Muhammad SAW, classical *fiqh* books from the four major schools of law, works of contemporary scholars, and fatwas from religious institutions related to breastfeeding issues. Secondary sources such as academic books, scientific journal articles, previous research, conference proceedings, and modern family law literature were also used to enrich the analysis. The collected data were then analyzed using a descriptive-analytical approach to explain the legal rulings of breastfeeding from the perspective of Islamic law while also assessing their relevance to modern social developments.

Results and Discussion

The Law of Breastfeeding in Islam

The discussion of breastfeeding (*al-radha'* / الرضاع) holds an important position in Islamic family law because it is directly related to kinship structure, lineage (*nasab*), *mahram* relationships, and children's rights. *Al-radha'* has been defined differently by scholars of the Islamic schools of law. In the Hanafi school, *al-radha'* or breastfeeding is understood as the act of an infant suckling milk from the breast of a woman, a descendant of Adam, within a certain period. The Maliki school defines it as the arrival of a woman's milk into the stomach of a young child, even if the woman has died or is still young, whether through direct suckling or through other means such as tools or injections, as long as the milk functions as nourishment for the baby. According to Shafi'i scholars, breastfeeding occurs when breast milk enters the baby's stomach or reaches the body system, including the brain or spinal system. Meanwhile, the Hanbali

school describes *al-radha'* as the act of suckling or drinking milk produced as a result of pregnancy from a woman's breast or from something equivalent to it.⁴

The law of breastfeeding is established in Islamic law and has a special position because it directly affects family relations. Its consequences also extend to other Islamic legal rulings, including marriage law and related regulations. These rulings are derived from the Qur'an and hadith and are further explained in various classical *fiqh* works written by scholars from different schools of law. In the Qur'an, the basis of the law of breastfeeding is mentioned in QS. *al-Baqarah* [2]:233:

وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُسَمِّ الرِّضَاعَةَ^٥

“Mothers shall breastfeed their children for two complete years, for those who wish to complete the nursing period.”

When explaining this verse, Ibn Kathir stated that Islamic law sets the ideal breastfeeding period at two full years. The use of the word *al-walidat* in this verse carries a different meaning from the term *ummuhbat*, which is the plural form of *umm* and generally refers specifically to biological mothers. In contrast, the term *al-walidat* has a broader meaning because it may include both biological mothers and women who breastfeed a child. From this terminology, it can be understood that the Qur'an emphasizes the importance of breast milk, whether from the biological mother or a foster mother, as the main source of nutrition for children until the age of two years. Nevertheless, breast milk from the biological mother is still regarded as the best option because of the emotional closeness and natural bond between mother and child.⁵

In another verse, Allah SWT explains how breastfeeding creates a *mahram* relationship between the woman who breastfeeds and the child who is breastfed, while also showing the legal implications of breastfeeding on family structure, as stated in QS. *an-Nisa'* [4]:23:

حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَخَوَاتُكُمْ وَعُمَّاتُكُمْ وَالْأَخْتِ وَأُمَّهَاتُكُمْ الَّتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُمْ مِنَ الرِّضَاعَةِ .

“Forbidden to you in marriage are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, the daughters of your brothers, the

⁴ Cholil Nafis, *Fikih Keluarga* (Jakarta: Mitra Abadi Express, 2014), 179.

⁵ Kamaruddin, N., Ismail, S., & Pensyarah, F. P. P. I. (2017, November). Pensyariatan Islam Mengenai Penyusuan Menerusi Ayat 233 Surah Al-Baqarah. In Dalam Prosiding 3rd Muzakarah Fiqh & International Fiqh Conference (Vol. 15, pp. 132-140)..

daughters of your sisters, your foster mothers who breastfed you, and your foster sisters through breastfeeding.”⁶

QS. *an-Nisa'* verse 23 clearly explains which women are considered *mabram* and therefore cannot be married. One of the causes that establishes a *mabram* relationship in this verse is breastfeeding. This shows that in Islam, breastfeeding is not only understood as the process of feeding an infant, but also as a legal bond that affects the structure of the family. Through the concept of *mabram* relationships caused by breastfeeding, Islamic law preserves the clarity of lineage and protects family honor so that marriages that violate lineage rules do not occur. Therefore, this verse confirms that breastfeeding carries important legal consequences that must be considered in Muslim family life.⁷

In addition to the Qur'an, the legal rulings regarding breastfeeding are also emphasized in the hadith of the Prophet Muhammad saw. One of the most well-known narrations concerning the law of breastfeeding is the statement of the Prophet saw.

يَحْرُمُ مِنَ الرَّضَاعِ مَا يَحْرُمُ مِنَ الْوَلَادَةِ⁸

“What becomes unlawful through breastfeeding is the same as what becomes unlawful through lineage.”

This hadith illustrates the great attention Islam gives to relationships formed through breastfeeding. Through the Prophet's statement, it can be understood that the closeness created when a child is breastfed is not merely a natural emotional bond, but is also recognized as a legitimate family relationship. A child who receives breast milk from a woman is treated like her biological child in matters of *mabram* status, so the same rules regarding interaction and marriage prohibitions that apply to blood relations also apply to breastfeeding relationships.

This ruling shows that breastfeeding has a meaning far beyond simply fulfilling nutritional needs. Behind the simple act of nursing, Islamic law recognizes the values of affection, security, and belonging that develop within the relationship between a mother and child. By placing foster relationships on the same level as lineage, Islamic law subtly reminds Muslims that a family is not built only through blood ties, but also through human compassion that provides protection and warmth for a growing child.

⁶ Kementrian Agama RI, *Al-Quran dan Terjemahnya*, Cet. 1. (Bandung : PT. Cordoba Internasional Indonesia, 2012), 81

⁷ Irtiyah Imtiyaz Zuhri, “Wanita Yang Haram Dinikahi Menurut Al-Qur'an (Kajian Tafsir Mauḍū'ī),” *Jurnal Ar-Risalah* 4 (2024): 93–111.

⁸ Muhammad bin Ismail al-Bukhary, *Shahih al-Bukhary*, Juz 7 (Mesir: Dar al-Ta'shil, 2012), 105.

In addition, there is another hadith that explains the minimum number of breastfeeding sessions required to establish *mahram* status. In a narration from Aisha bint Abu Bakr, it is stated:

كَانَ فِيهَا أَنْزَلَ مِنَ الْقُرْآنِ: عَشْرَ رَضَعَاتٍ مَعْلُومَاتٍ يُحْرَمْنَ. ثُمَّ نُسِخْنَ: بِخَمْسٍ مَعْلُومَاتٍ. فَتَوَيَّ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَهَنَّ فِيهَا يُقْرَأُ مِنَ الْقُرْآنِ⁹.

“It was once revealed in the Qur’an that ten known breastfeeding sessions established a *mahram* relationship. Then this ruling was abrogated to five known breastfeeding sessions. The Messenger of Allah saw. passed away while these verses were still being recited.”

Differences among scholars in interpreting the phrase “known breastfeeding sessions” became one of the main reasons for the differing legal rulings among the Islamic schools of law. The Hanafi school holds that even one breastfeeding session is sufficient to establish a *mahram* relationship, as long as the breast milk enters the baby’s stomach and provides nutritional benefit. They argue that both a small and large amount of breastfeeding can establish *mahram* status. This opinion is also narrated from Ahmad ibn Hanbal and supported by several scholars such as Ibn al-Musayyab, Al-Zuhri, and Al-Awza’i, among others.¹⁰ The Maliki school shares a similar opinion, namely that the amount of breastfeeding, whether little or much, does not affect the ruling, because the important factor is whether the child receives nourishment from the milk.¹¹ In contrast, the Shafi’i school, the Hanbali school, and the school of Abu Dawud al-Zahiri require at least five separate breastfeeding sessions to establish a *mahram* relationship through breastfeeding, based on the hadith narrated by Aisha bint Abu Bakr mentioned earlier.¹² In *al-Umm*, Al-Shafi’i clearly stated: “A *mahram* relationship through breastfeeding is not established unless five separate breastfeeding sessions have taken place.”¹³

Besides the number of breastfeeding sessions, scholars also agree that breastfeeding only establishes marriage prohibition if it occurs within the first two years of a child’s life. If a woman breastfeeds a child older than two years,

⁹ Abu al-Husain Muslim, *Shahih Muslim*, Juz 6 (Mesir: Mutba’ah Isa al-Baby al-Halaby, 1955), 1070.

¹⁰ Ibnu Rusyd al-Hafid, *Bidayah al-Mujtabid wa Nihayah al-Muqtashid*, Juz3, (Mesir: Dar al-Hadits, 2004), 59.

¹¹ Abu Malik Kamal bin al-Sayyid Salim, *Shahih Fiqh al-Sunnah wa Adillatuhu*, Juz3, (Mesir: al-Maktabah al-Taufiqiyah, 2003), 82.

¹² Ibnu Qudamah al-Maqdisy, *al-Mughny*, Juz11, (Arab Saudi: Dar Alim al-Kutub, 1997), 309-313.

¹³ Muhammad bin Idris al-Syafi’i, *al-Umm*, Juz 5, (Beirut: Dar al-Fikr, 1983), 29.

the breastfeeding does not create a *mabram* relationship between them.¹⁴ This age limit is consistent with the wisdom behind breastfeeding for the physical and psychological development of the child. Therefore, the law of breastfeeding in Islam is comprehensive. The institution of breastfeeding is not merely a biological act, but also a mechanism for protecting family stability and lineage.¹⁵

Classical Issues Related to Breastfeeding

Classical discussions on breastfeeding (*al-riḍā'*) in *fiqh* literature are not limited only to the number of breastfeeding sessions or the age that establishes a *mabram* relationship, but also cover much broader legal issues. This is because breastfeeding creates a permanent family relationship (*al-muṣābarah bi al-riḍā'*), which directly affects lineage (*nasab*), marriage prohibitions, certain inheritance rights, guardianship status, and patterns of social interaction between men and women. Since the third century of Hijrah, Muslim jurists have paid great attention to the detailed rulings of breastfeeding in order to prevent uncertainty (*gharar*) in determining lineage and to preserve the family structure that forms the foundation of Islamic society. Therefore, the topic of breastfeeding has always been considered an integral part of Islamic family law (*ahkām al-usrah*) and continues to serve as an important reference in addressing contemporary issues such as breast milk donation and milk banks.

The first issue discussed in the classical period concerned the delivery of breast milk to a baby without direct suckling from the breast, such as when milk is expressed and then given through a container or another medium. According to the Shafi'i and Hanbali schools, the essential factor (*'illat al-riḍā'*) in breastfeeding is the arrival of the milk into the baby's stomach and its role as nourishment.¹⁶ Therefore, direct suckling is not considered a requirement. As a result, the prohibition related to *mabram* status still applies even if the milk is given through a bottle or other tools. The Hanafi school also maintains that the use of a medium or intermediary does not affect the legal ruling.¹⁷ The Maliki school provides a slightly different emphasis. Some Maliki scholars consider the physical closeness between mother and child to carry its own maternal value. Nevertheless, they still agree that a *mabram* relationship through breastfeeding is established as long as the milk truly enters the child's stomach and provides

¹⁴ Asnawati Asnawati, Ibrahim Bafadhhol, and Ade Wahidin, "Pemberian Asi Pada Anak Dalam Perspektif Al-Quran," *Al-Tadabbur: Jurnal Ilmu Al-Qur'an Dan Tafsir* 4, no. 01 (2019): 85–98.

¹⁵ Hidayatullah Ismail, "Syariat Menyusui Dalam Alquran (Kajian Surat Al-Baqarah Ayat 233)," *Jurnal At-Tibyan* 3, no. 1 (2018): 56–68.

¹⁶ Al-Nawawi, *al-Majmu' Sharh al-Muhadzdzab*, juz 18 (Beirut: Dār al-Fikr, 2000), 296.

¹⁷ Abu Bakar al-Kasani, *Badai' al-Shanai' fi Tartib al-Syarai'*, juz 4 (Beirut: Dar al-Kutub al-Ilmiyyah, 1431), h. 7.

nourishment.¹⁸ Thus, the discussions of classical jurists on this issue serve as an important foundation for understanding contemporary issues such as expressed breast milk and breast milk donation practices.

One of the classical issues frequently debated in the law of breastfeeding is whether breastfeeding an adult can establish a *mabram* relationship. The majority of scholars, including Malik ibn Anas and Al-Shafi'i, hold that a *mabram* relationship is established only when breastfeeding occurs within the first two years of a child's life. If breastfeeding takes place after the age of two years, then no legal consequence of *mabram* status is created. The Hanafi school provides a slightly longer age limit, namely thirty months or approximately two and a half years. Meanwhile, the Zahiri school holds a different opinion. They equate adult breastfeeding with breastfeeding during infancy, considering both capable of establishing a *mabram* relationship. However, the opinion regarded as the strongest (*rajih*) in this matter is the view of the majority of scholars, who state that breastfeeding which establishes a *mabram* relationship applies only to children aged two years or younger, while breastfeeding after that period does not create *mabram* status.¹⁹

One of the classical issues consistently discussed in the law of breastfeeding is whether the closeness created through *rada'ah* can establish inheritance rights, similar to relationships formed through blood lineage. Muslim scholars throughout history paid significant attention to this issue because it concerns sensitive aspects of family structure and the distribution of individual rights. The majority of scholars maintain that a *mabram* relationship established through breastfeeding does not become a cause for inheritance.²⁰

Besides the issue of inheritance, classical scholars also discussed whether a *mabram* relationship caused by breastfeeding affects guardianship in marriage. This question emerged because foster relationships often create emotional closeness similar to biological family ties. However, Muslim jurists emphasized that the status of a marriage guardian (*wali nikah*) follows very specific legal rules. They explained that a marriage guardian can only come from the male blood lineage, such as the father, grandfather, or other male relatives who have a direct blood relationship. Therefore, the foster father, namely the husband of the breastfeeding woman, cannot act as a marriage guardian for a foster child.²¹

¹⁸ Ibn 'Abdi al-Bar, *al-Tamhid*, juz 8 (Beirut: Dār al-Fikr, 1992), h. 257.

¹⁹ Abu Malik Kamal bin al-Sayyid Salim, *Shabih Fiqh al-Sunnah wa Adillatubu*, juz 3 (Mesir: al-Maktabah al-Taufiqiyah, 2003), 85-88.

²⁰ Muhammad bin Ahmad al-Sarkhasy, *al-Mabsuth*, juz 30 (Beirut: Dar al-Ma'rifah, 1431 H), 30

²¹ Ahmad Mulyadi Kosim, "Analisis Kedudukan Wali Nikah Terhadap Anak Hasil Di Luar Perkawinan Menurut Kompilasi Hukum Islam," *Jurnal Dimensi Hukum* 9, no. 7 (2025): 133–54.

Another question frequently raised regarding breastfeeding is whether a foster relationship places the child under the financial responsibility of the husband of the breastfeeding mother. Outwardly, the closeness formed through breastfeeding may create the impression that the child has become part of a new family. However, scholars, especially within the Shafi'i and Maliki schools, explain that the obligation of financial support (*nafkah*) remains with the biological father. The husband of the breastfeeding mother only carries a moral role in providing care and protection, not a legal obligation to bear the living expenses of the foster child. Through this ruling, Islamic law preserves the clarity of family responsibilities while still allowing space for affection and emotional bonds that grow through the process of breastfeeding.²²

Contemporary Issues Related to Breastfeeding

Besides the classical issues related to breastfeeding, developments in modern healthcare have also given rise to various new or contemporary issues that were never explicitly discussed in classical *fiqh* literature. This situation requires a reexamination of the principles of *fiqh al-riḍā'* or the law of breastfeeding. One of the most prominent issues is the practice of breast milk donation. From the perspective of medical ethics, milk donation is viewed as a life-saving solution for infants who cannot receive breast milk from their biological mothers. However, within the framework of Islamic law, breastfeeding carried out by another woman can establish a *mabram* relationship if the legal conditions of breastfeeding are fulfilled. The Majelis Ulama Indonesia stated in its fatwa that donor breast milk is permissible as long as it fulfills strict conditions.²³ This position reflects the application of precautionary principles, considering that biological closeness through breastfeeding carries long-term legal consequences.

The issue becomes more complex in the context of human milk banks. From a medical perspective, milk banks provide a fast and effective solution for infants who need nutritional support. However, from the perspective of Islamic law, the mixing of milk from multiple donors creates uncertainty (*ghbarar*) regarding who should be recognized as the foster mother. For this reason, Lajnah al-Da'imah issued a fatwa prohibiting the use of milk banks because it is impossible to clearly identify the foster mother and the *mabram* relationships that may arise in the future.²⁴ This opinion is consistent with the majority of

²² Al-Dusuqi, *Hasyiyah al-Syarh al-Kabir*, juz 2 (Beirut: Dar al-Fikr, 1996), 446.

²³ Atika Nur Annisa, "Rekontekstualisasi Radha'ah Di Era Digital: Studi Lactashare Sebagai Lembaga Filantropi Dalam Bidang Donor ASI Pertama Di Indonesia," *Jurnal El-Maslahah* 10, no. 2 (2020): 1–13.

²⁴ Al-Lajnah al-Daimah, *Fatawa al-Lajnah al-Daimah al-Majmu'ah al-Ula*, Juz 21, (Riyadh: Riasah Idarah al-Buhuts al-Ilmiyyah wa al-Ifta, 1431 H), 44.

scholars who regard the clarity of lineage and the protection of marriage prohibitions as legal principles that cannot be compromised.

The issue of adoption (*tabliyā / tabanni*) is also closely related to the law of breastfeeding. In modern adoption practices, a *mabram* relationship is not automatically established, meaning that adopted boys or girls remain legally non-*mabram* to their adoptive families. To address this issue, some contemporary scholars propose a solution known as *radā' tabannī*, namely breastfeeding the adopted child through the adoptive mother in order to establish a *mabram* relationship according to Islamic law, provided that the breastfeeding fulfills the legal conditions required to establish prohibition.²⁵ Nevertheless, other scholars warn that this practice should not be treated merely as a legal manipulation to permit physical interaction or the uncovering of *awrah*, because the primary objective of Islamic law remains the protection of family honor and ethical social interaction.

Similar challenges also arise from modern reproductive technologies such as in vitro fertilization (IVF), surrogacy, and breast milk storage. For example, when a mother stores breast milk for a long period and later gives it to another baby through a bottle, Muslim jurists still classify it as breastfeeding as long as the milk enters the baby's stomach.²⁶ In cases involving IVF and surrogate mothers, if a baby receives breast milk from a woman who is not the biological mother, then the status of foster mother applies, and the child becomes a *mabram* to that woman and her descendants. Therefore, developments in medical technology do not eliminate or reduce the legal implications of breastfeeding in Islam.

The *Maqasid al-Shari'ah* Approach in Responding to Contemporary Challenges of Breastfeeding

The complexity of breastfeeding issues in the modern era requires an approach that goes beyond merely reading *fiqh* texts literally, without ignoring the strength of Islamic legal evidence. In this context, *maqasid al-shari'ah* becomes an important framework for understanding how Islamic law responds to changing times. Muslim scholars emphasize that one of the main objectives of Islamic law is the protection of lineage (*hifz al-nasl*).²⁷ From this perspective, breastfeeding is not only understood as a process of providing nutrition, but

²⁵Wahbah al-Zuhaily, *al-Fiqh al-Islamy wa Adillatuhu*, Juz 10, (Damaskus: Dar al-Fikr, 1433 H), 7273-7294.

²⁶ Ibn Baz, *Majmu' Fatawa wa Maqalat*, juz 22 (Riyadh: Dar al-Watan, 2009), h. 345.

²⁷ Achmad Suhaili, "Integrasi Maqāṣid Al-Syarī 'ah Dalam Praktik Peradilan Agama Di Indonesia: Studi Alternatif Penyelesaian Sengketa Keluarga," *MABAHITS: Jurnal Hukum Keluarga* 6, no. 01 (2025): 29–42.

also as part of the Islamic legal system that protects family structure and preserves the clarity of lineage.

The *maqasid* approach helps address new issues related to breastfeeding. Breast milk donation, for example, falls within the objective of preserving life (*hifẓ al-nafs*) and protecting children (*hifẓ al-walad*). However, it still requires clear identity records and proper documentation of breastfeeding in order to maintain the principle of protecting lineage (*hifẓ al-nasl*). This issue deserves serious attention, especially from governments, to prevent prohibited situations in the future, such as a foster child unknowingly marrying a foster relative.²⁸ Milk banks may also be accepted if technology allows accurate identification and tracing of donors. However, if uncertainty still exists, then the principle of precaution (*sadd al-dhari'ah*) should take priority in order to prevent confusion in lineage. Modern adoption may also be viewed as an effort to achieve social benefit (*maslahah*), as long as it does not create ambiguity regarding *mabram* boundaries and lineage. In the field of reproductive technology, *maqasid al-shari'ah* ensures that medical developments remain consistent with the principles of family and biological responsibility.

Therefore, the application of *maqasid al-shari'ah* is not intended to change the laws of breastfeeding that have already been established in Islamic law, but rather to ensure that *fiqh* responses remain adaptive, reliable, and oriented toward the protection of children and families. Through this approach, the law of breastfeeding continues to remain relevant and capable of addressing the needs of contemporary Muslim society.

Conclusion

This study shows that breastfeeding in Islam cannot be understood merely as a biological activity between a mother and child, but rather as an important part of the Islamic family law system that maintains the order of social relationships and the continuity of lineage. The Qur'an and hadith position breastfeeding as a factor that establishes *mabram* relationships, which directly affect marriage prohibitions and the regulation of social interaction. Meanwhile, classical *fiqh* literature explains the law of breastfeeding in detail through the various opinions of Islamic schools of law regarding the number and age limit of breastfeeding sessions, methods of milk delivery, and their legal implications for inheritance, guardianship, and financial support. These differences of opinion reflect the richness of Islamic legal methodology, which remains

²⁸ Salleh Siti Fatimah, Mohamad Safir Halimatus Saadiah, and Mohamad Safir Hamirah Nursakinah, "Pengendalian Dokumentasi Anak Susuan Dalam Kalangan Ibu Susuan (Handling Of Breastfeeding Documentation Among Breastfeeding Mothers)," *Malaysian Journal for Islamic Studies* 4, no. 2 (2020): 67–77.

grounded in the primary objective of Islamic law, namely preserving the clarity of lineage and the integrity of the family.

The discussion of classical issues demonstrates that Muslim scholars from the early period responded to breastfeeding practices through serious, careful, and systematic approaches. Issues such as indirect breastfeeding, adult breastfeeding, and the limits of legal consequences arising from foster relationships illustrate the effort of *fiqh* scholars to clearly distinguish between marriage prohibitions and other legal implications. This classical discourse confirms that the law of breastfeeding does not stand independently, but is integrated with the principles of child protection and social order. Therefore, the legacy of classical *fiqh* continues to hold strong relevance and analytical value in addressing family law issues across generations.

On the other hand, modern developments have produced new challenges such as breast milk donation, milk banks, adoption, and modern reproductive technologies, all of which require a more contextual legal interpretation without abandoning the foundations of Islamic law. In this regard, the *maqasid al-shari'ah* approach serves as a strategic framework by placing the protection of lineage (*hifz al-nasl*), the preservation of life (*hifz al-nafs*), and the welfare of children as its primary objectives. Through the integration of classical *fiqh* heritage and the *maqasid* approach, the law of breastfeeding in Islam remains capable of adapting both normatively and practically, while continuing to function as a relevant legal instrument in responding to the needs of modern society.

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