

American Journal of Humanities and Social Sciences Research (AJHSSR)

e-ISSN :2378-703X

Volume-5, Issue-9, pp-176-182

www.ajhssr.com

Research Paper

Open Access

PROBLEMS OF THE LEGAL POSITION OF INTEGRITY OF IVF CHILD RELATED TO THE DATA CERTIFICATE AND LAW NUMBER 1 YEAR 1974 JO LAW NUMBER 16 YEAR 2019 ON MARRIAGE AND ISLAMIC LAW

Sri Ahyani and Emma Dysmala

Bandung Law School

ABSTRACT: Advances in medical technology have provided a solution for married couples who are difficult to have offspring or children, namely through the IVF process or artificial insemination. The implementation of IVF or artificial insemination can be done using husband and wife seeds, donor sperm, and husband and wife seeds implanted into other women (surrogate mothers). But on the other hand, that there are problems regarding the position of the child resulting from the IVF process, so it is interesting to analyze the legal position of IVF in marriage according to the Civil Code and Law Number 1 of 1974 in conjunction with Law no. 16 of 2019 concerning Marriage and Islamic Law and the inheritance rights of IVF children according to the Civil Code and Law Number 1 of 1974 in conjunction with Law No. 16 of 2019 concerning Marriage and Islamic Law. The specification of this study is descriptive, normative juridical research, law approach method. The technique of collecting data through document study, as well as analysis is done qualitatively normatively. Based on the results of the analysis of the first research problem, it was concluded that the legal position of IVF in marriage according to the Civil Code and Law Number 1 of 1974 Law Number 16 of 2019 concerning Marriage and Islamic Law, that children from IVF who use IVF the seed of a legal husband and wife through a marriage is a legitimate child. A child resulting from IVF who uses donor sperm according to Islamic law is an illegitimate child (zinah). The Civil Code divides the legal status of children from IVF using donor sperm into two, namely as legitimate children through confession and adultery, while children from IVF whose seeds are from husband and wife but are deposited in the womb of another woman, then the child's status according to the Civil Code and Islamic Law as an illegitimate child. Inheritance rights of IVF children according to the Civil Code and Law No. 1/1974 in conjunction with Law No. 16 of 2019 concerning Marriage and Islamic Law, namely the right to inherit children born through IVF process using the husband's sperm, the position of this type of child is said to be a legitimate child and can be equated with biological children who are entitled to inherit if their parents die. Whereas according to Islamic law, IVF children are entitled to the inheritance of their mother's father's property, if the seeds used come from both parents who have been bound in a marriage, but if there are foreign elements (seeds and places of reproduction) in the process of fertilization, then the inheritance rights are can only be connected to the mother and her mother's family.

Keywords: *Vitro Fertilization, inheritance rights and legal standing*

I. INTRODUCTION

The problem that occurs in IVF in positive law in Indonesia which is the reference is in determining the legal status and position of IVF children, whether they are included in the category of legitimate children or illegitimate children. The law that regulates the legal status and the right to inherit IVF in Indonesia does not yet exist, while the law governing the legal position of children is regulated in the Civil Code and Law Number 1 of 1974 in conjunction with Law no. 16 of 2019 concerning Marriage and Islamic Law, resulting in a legal vacuum in terms of the legal position of IVF children, both related to legal relations over marriage according to Law Number 1 of 1974 in conjunction with Law No. 16 of 2019 concerning Marriage and Islamic Law, as well as regarding the inheritance rights of IVF children in inheritance law in Indonesia.

Based on the importance of the presence of children as the successor of family descendants based on aspects of culture and also in Article 852 of the Civil Code. In addition, on the consideration that the Civil Code rules do not explain the rights and obligations of IVF children against parental inheritance.

According to Badri Mashduqi: "When viewed from the process of fertilization to reproduction, according to Islamic law IVF is legal as long as the seeds come from a husband and wife pair through the

process of uniting sperm and ovum outside the body in a tube so that fertilization occurs until complete and then inserted into the wife's womb so that it can grow.become a fetus as normal pregnancy until the baby is born. then conceived and born by the husband and wife, meaning that it is carried out by a husband and wife who are bound in a legal marriage. This is considered part of a form of effort made by a husband and wife to get offspring.”¹

If it is done naturally, it is clear that it will not cause problems in the legal field. However, if it is through other people, this will cause problems, especially regarding the legal status of children born as a result of the IVF technique. The emergence of problems related to the rights and obligations between children and their parents. Because the child is born in a legal marriage, but the seed comes from another person, both sperm and ovum, especially if it is done by borrowing someone else's womb in the process of reproduction.

According to Cecep Triwibowo:“Positive law in Indonesia that regulates the legal status of a child has been regulated in the Civil Code and Law Number 1 of 1974 concerning Marriage. However, in the regulation there are no provisions that explicitly regulate the legal position of children born through the IVF process.”²

In its development, there are still many questions and perhaps differences of opinion regarding artificial reproduction, not only about IVF but also about surrogate mothers. At first the program of in vitro fertilization and surrogacy was acceptable to the general public, but as development progressed various problems began to arise where the programs began to become contradictory. There are many who are pro and many who are against these programs. Most of those who are pro with this program come from the medical world and those who are against this program come from religious leaders. Meanwhile, other problems in the legal field are because there are no laws and regulations that regulate the position of children born from IVF and surrogate mothers. The problems that the author examines, firstly regarding the legal position of IVF children, secondly regarding the inheritance rights of IVF children according to the Civil Code Law No. 1 of 1974 in conjunction with Law No. 16 of 2019 concerning Marriage and Islamic Law.

To answer the problems mentioned above, the author uses theories, concepts, principles and legal rules which are explained further in the framework of thought.This paper will not discuss the pros and cons that exist but will discuss aspects of civil law that emphasize the inheritance rights of IVF children.Based on the description above, it is interesting to study about: 1) What is the legal position of IVF in marriage according to the Civil Code and Law Number 1 of 1974 in conjunction with Law no. 16 of 2019 concerning Marriage and Islamic Law?; 2) How is the inheritance rights of IVF children according to the Civil Code and Law Number 1 of 1974 in conjunction with Law no. 16 of 2019 concerning Marriage and Islamic Law?.

II. METHOD

The problem of this research which is also an important object of research is described, considering that its actuality has a significant correlation with the phenomena that occur in the present. The specification which is also the nature of this research is descriptive. According to Moh. Nazir, the descriptive method is:“A method of examining the status of a group of people, namely an object, a set of conditions, a system of thought, or a class of events in the present. While the purpose of this descriptive research is to make a systematic, factual and accurate description, picture or painting of the facts, characteristics, and relationships between the phenomena being investigated.”³

This type of research is juridical normative and philosophical, therefore the type of data used is secondary data obtained from the literature, so that the type of data is sourced from library materials, in the form of primary, secondary and tertiary legal materials.In order to solve the research problem, a statutory approach is used. The legislation referred to as has been mentioned in the secondary data types of primary legal materials.

In this study, the data collection method was carried out by literature study, because the research was normative legal research or library law research, namely research carried out by examining library materials.⁴The data analysis method used is qualitative, meaning that the data obtained which leads to a theoretical study in the form of principles, conceptions, legislation, legal doctrines and the content of legal rules are first described systematically, then analysis is carried out. qualitatively.

III. RESULTS AND DISCUSSION

¹Badri Mashduqi, *Gait and Example* (Yogyakarta: Islamic Boarding School Library, 2008), p.168.

²Cecep Triwibowo, *Ethics & Health Law* (Yogyakarta: Nuha Medika, 2014), p.89 .

³Moh. Nazir, *Research Methods* (Jakarta: Ghalia Indonesia, 2003), p.54.

⁴Soerjono Soekanto and Sri Mamudji, *An Introduction to Normative Legal Research* (Jakarta: Raja Grafindo Persada, 2001), p.14.

Legal Position of IVF Children in Marriage according to the Civil Code and Law Number 1 of 1974 Law Number 16 of 2019 concerning Marriage and Islamic Law

IVF in particular is not yet regulated in Indonesia's positive law. Meanwhile, only arrangements regarding the juridical position of children born naturally are regulated in the Civil Code and Law Number 1 of 1974. IVF itself is a matter of private human interests so it needs to be protected. Legal protection related to IVF is to regulate the scope of family law relationships and social relations in the community, so that what is included in family relations includes the legal position of the child. In principle, the above opinion agrees with the use of IVF technique which uses sperm and ovum from a legal husband and wife, in which the embryo is transplanted into the wife's womb and the juridical position of the child is a legal child so that the rights and obligations are the same as the child born on a basic basis. The law is based on the Law of the Republic of Indonesia Number 36 of 2009 concerning Health Article 127:

Paragraph (1): Efforts to get pregnant outside the natural way can only be carried out by a legal husband and wife with the following conditions: a) the result of fertilization of sperm and ovum from the husband and wife in question is implanted in the womb of the wife from which the ovum originates; b) carried out by health workers who have the expertise and authority to do so; and c) certain health care facilities.

Paragraph (2): The provisions regarding pregnancy requirements outside the natural way as referred to in paragraph (1) shall be regulated by a Government Regulation.

Based on Government Regulation of the Republic of Indonesia Number 61 of 2014 concerning Reproductive Health:

Article 40 :

Paragraph (1)

Reproduction with assistance or pregnancy outside the natural way can only be done to married couples who are bound by a legal marriage and experience infertility or infertility to produce offspring.

Paragraph (2)

Reproduction with assistance or pregnancy outside the natural way as referred to in paragraph (1) is carried out by using the results of fertilization of sperm and ovum originating from the husband and wife concerned and implanted in the womb of the wife from which the ovum originates.

Paragraph (3)

Reproduction with assistance or pregnancy outside the natural way as referred to in paragraph (1) is carried out in accordance with the development of science and technology and does not conflict with religious norms.

Paragraph (4)

Reproduction with assistance or pregnancy outside the natural way as referred to in paragraph (1) must be carried out by health workers who have the competence and authority.

Based on the Laws and Government Regulations above, IVF with sperm and ovum from a husband and wife pair then the embryo is transplanted into the wife's womb is legally valid. The position of a baby who is born is the same as a baby who is born naturally. The child who is born has the status of a legal child, and has inherited and civil relations with biological parents who are legally valid as long as the husband does not deny it, is regulated under the provisions of Article 250 of the Civil Code. If the embryo is transplanted into the womb of another woman who has a husband, the child born is a legitimate child of the woman who conceived and gave birth to the child, regulated under Article 42 of Law Number 1 of 1974 on Marriage and Article 250 of the Civil Code, and legal efforts to obtain a child, which is genetically owned by the ordering parent is through the process of child adoption.

The problem of IVF, according to the Islamic view, is a contemporary problem of *ijti Prize*, because there is no specific law in the Qur'an and Sunnah, even in classical *fiqh* studies. Therefore, if it is to be studied according to Islamic law, it must be studied using the *ijtihad* method which is usually used by *ijtihad* experts (*mujtahidin*), so that the law can be found in accordance with the principles and spirit of the Qur'an and Sunnah which are the main sources of Islamic law.

Artificial insemination itself is essentially not contrary to the *sunnatullah*, in fact it proves the truth of the *sunnatullah* that the creation of man is from sperm mixed with a woman's egg, as Allah says in QS Al Insan verse 2 which means "Indeed we have created man from a drop of sperm mixed". This verse can be understood, that it is not absolute that pregnancy must go through direct intercourse, but pregnancy can occur without sexual intercourse, as long as there is a mixture of sperm with a woman's egg. This fact has long been understood by

the fiqh experts, so they say, "pregnancy is possible with the arrival of a man's semen into the womb even without intercourse". Artificial insemination is one proof of the truth of this belief.

Artificial insemination with the husband's sperm was carried out clearly due to abnormalities in the internal organs, both abnormalities experienced by the wife or abnormalities experienced by the husband. If there are no abnormalities, it would be better in a natural way, namely by having sex. Coitus in addition to possibly causing pregnancy, also provides pleasure. However, there is also that insemination with the husband's sperm is carried out not because of a device abnormality, in that artificial insemination with the husband's own sperm is permissible. The reasons put forward ranged from remembering that the origin of the sperm, namely from the husband himself, did not cause any problems, as well as the acceptance of the scholars that artificial insemination is a very useful and beneficial endeavor or endeavor, namely the birth of a child that is highly coveted and desired by the couple. the husband and wife concerned.⁵

Artificial insemination with uterine rental from the beginning until the end is no good when compared to the benefits and dangers and difficulties it causes. The only thing that may be considered good by some circles is the birth of a child, but what is the meaning of a child if it causes problems, difficulties and chaos in almost every aspect. Lineage, inheritance, guardians and so on will be chaotic. The joints of family and social order will be shaken, the institution of marriage will be fragile. Courts will also experience difficulties in determining the status of children born later and in dealing with other problems that arise as a consequence of artificial insemination.

According to Islamic law, IVF from a rented uterus is not allowed. Because in Islam planting seeds in the womb of another woman is unlawful, as the words of the Prophet Muhammad SAW which means "It is not lawful for a person who believes in Allah and the Last Day to water other people's fields" (H.R. Abu Daud from Ruwaifi ibn Stabit al Ansari).

Rasulullah SAW said which means "There is no sin greater than Allah after shirk than a man who puts his semen into the womb of a woman that is not lawful for him" (H.R. AbidDunya from Al Haitami bin Malik).⁶

By paying attention to this hadith, it becomes clearer to us that a man who lays his sperm on a woman who is not his wife is a big sin and this act can be equated with adultery. Because in this case it has the same effect, namely inserting semen into another person's womb without a legal marriage relationship according to sharia.

Inheritance Rights of IVF Children according to the Civil Code and Law Number 1 of 1974 in conjunction with Law Number 16 of 2019 concerning Marriage and Islamic Law

In civil law regulated in the Civil Code, the position of children in inheritance has a priority position which is classified as group I for legitimate children and children outside marriage still get their share. However, there are no provisions that specifically regulate children born through IVF, there are only the inheritance of children born naturally, such as inheritance of legitimate children and illegitimate children who receive recognition.

Children can inherit from their parents (heirs) if their parents have died in accordance with Article 830 of the Civil Code. Regarding the position of children in the family, there is what is also known as the absolute part or LegitiemePortie which is regulated in Article 913 of the Civil Code. Absolute share or LegitiemePortie is part of the inheritance given to the heirs in a straight line according to the Law on the part of the deceased it is not allowed to stipulate anything, either as a gift between the living or a will.

Children produced by means of infertility also have the same rights and obligations as biological children, who are entitled to education, maintenance until the child marries or can stand alone and inherits from his parents.⁸ Children born through IVF process with sperm donors are equal in position with legitimate children, so that they are bound by inheritance rights in accordance with Article 852 of the Civil Code, namely:

"Children or all of their descendants, even if they are born from other marriages, inherit from both parents, grandparents, or all their blood relatives, then in a straight line upwards, with no difference between male or female and no differences based on first birth.

They inherit head after head, if with the deceased they are related to the family in the first degree and each has rights for himself; they inherit pacing after pacing, if all of them or just some of them act as substitutes.

⁵M. Shaheb Tahar, *Artificial Insemination According to Islamic Law, first printing*, (Surabaya: Bina Ilmu, 1987), p. 50.

⁶*Decision of the 21st Muhammadiyah Tarjih Congress, IVF and Transplantation in the Spotlight of Islamic Law*, Publisher Unity Yogyakarta, 1980, page 65

So that children born by IVF process with sperm donors inherit from their parents who are bound by a legal marriage and receive legal recognition from their father as part of a legal child. Although biologically this child is not part of the father, but with the recognition and with the legal basis of IVF in Indonesia, the position of the child becomes a legal child and is an heir in class I in the Civil Code.

The juridical position of a child born through a womb rental process using donor sperm and ovum from the wife, whose embryo is then transplanted into the wife's womb can be qualified in 2 types of children, namely: 1) A child is legitimate through acknowledgment if the use of the donor's sperm obtains permission from the husband; and 2) That the child is an adulterous child, if the use of the donor's sperm is without the permission of the husband.

Legitimate children through recognition have the right to inherit from parents who admit them, while adulterous children do not have inheritance rights from juridical parents and they are only entitled to earn a living as necessary in accordance with Article 867 Paragraph (1) of the Civil Code.

Based on the Civil Code, the position of a child born through a test tube baby process that uses sperm and ova from a married couple whose embryos are transplanted into the womb of a Surrogate Mother is categorized as an adopted child. Fuad Muhammad Fachruddin defines adopted children in the context of adoption as children of a mother and father who are taken by other humans to be their own children.⁷

Legal protection related to IVF regulates the scope that exists in the community so that in relation to the family it will have an impact on the position and inheritance rights as stated in the Civil Code. The share of inheritance rights for adopted children from the results of surrogate mothers who are assigned as adopted children and considering that there are regulations for the distribution of inheritance for adopted children which have been previously regulated, namely in KHI Article 209 paragraphs (1) and (2) which states that:

Paragraph 1:

"The inheritance of the adopted child is divided according to articles 176 to 193 while the adoptive parents who do not receive a mandatory will are given a mandatory will as much as 1/3 of the inheritance of their adopted child.

Paragraph 2:

"Against children who do not receive a will are given a mandatory will as much as 1/3 of the inheritance of their adoptive parents"

According to these two articles, the inheritance of an adopted child or adoptive parent must be divided according to the rules, namely to be distributed to people who are related by blood (relatives) who are the heirs. Mandatory wills in fiqh are assets given to those who are not heirs by the ruler with or without the approval of the heirs whose share is one-third of the share, namely in its implementation it is not influenced or does not depend on the will or will of the deceased. Mandatory wills must be carried out whether spoken or not, whether desired or not desired by the deceased. So its implementation does not require evidence that the will is spoken or written or desired, but its implementation is based on legal reasons that justify that the will must be implemented.

Regarding the status of children born as a result of a surrogate mother, which is essentially a child born out of wedlock, it has become clearer since the Supreme Court's decision through SEMA No. 7 of 2012 concerning Mandatory Wills. This Supreme Court decision is a response to the judicial review of Article 43 paragraph (1) of the decision of the Constitutional Court (MK) No. 46/PUU-VIII/2010 where article 43 paragraph (1) states that: "Children born out of wedlock only have a civil relationship with their mother and their mother's family." So it is clear that the child who is the result of a surrogate mother is entitled to inheritance rights in the form of a mandatory will as much as one-third of the property left after it was decided by the Religious Court which has permanent legal force and has civil relations from his mother and his mother's family only.

IV. CONCLUSION

The legal position of IVF in marriage according to the Civil Code and Law Number 1 of 1974 Law Number 16 of 2019 concerning Marriage and Islamic Law, that children from IVF who use legal husband and wife seeds through a marriage are legal children. A child resulting from IVF who uses donor sperm according to Islamic law is an illegitimate child (zinah). The Civil Code divides the legal status of IVF children who use donor sperm into two, namely as legitimate children through confession and adultery, while IVF children whose seeds are from husband and wife but are deposited in the womb of another woman, the child's status according to the Civil Code and Islamic Law as illegitimate child. Inheritance rights of IVF children according to the Civil

⁷Fuad Muhammad Fachruddin, *Child Problems in Islamic Law*, (Jakarta: Science Guidelines Jaya, 1991), p.41.

Code and Law No. 1/1974 in conjunction with Law No. 16 of 2019 concerning Marriage and Islamic Law, namely (a) the right to inherit children born through the IVF process as a result of the IVF process using the husband's sperm, the position of this type of child is said to be a legitimate child and can be equated with biological children who are entitled to receive the inheritance of his biological parents if his parents (heirs) have died (Article 830 of the Civil Code), (b) the right to inherit the child resulting from the IVF process using donor sperm, namely the status of the child becomes a legal child if through recognition of the right to inherit from another person parents who admit it (Article 280 of the Civil Code), whereas according to Islamic law, IVF children are entitled to the inheritance of their mother's father's property, if the seeds used come from both parents who have been bound in a marriage, but if there are foreign elements (seeds and place of residence) reproduction) in the process of conception, the inheritance rights can only be linked to the mother and the mother's family only.

REFERENCES

- [1] Ali, Ahmad. *Uncovering the Veil of the Law (A Philosophical and Sociological Study)*. Jakarta: Mount Agung, 2002.
- [2] Aliong, Andrianto. *IVF*, Faculty of Medicine, Islamic University of Indonesia: Yogyakarta, 2011.
- [3] Arief, Abdul Salam. *Renewal of Islamic Legal Thought Between Facts and Reality*. Yogyakarta: Lesfi, 2003.
- [4] Asshiddieqie, Jimly. *Introduction to Constitutional Law*. Jakarta: RajaGrafindoPersada, 2009.
- [5] Budi Utomo, Setiawa. *Actual Fiqh*. Jakarta: GemaInsani Press, 2003.
- [6] Darmadiharjo, Darji and Shidarta. *Principles of Legal Philosophy (What and How Indonesian Legal Philosophy)*. Jakarta: GramediaPustakaUtama, 1990.
- [7] Djamil, Fathurrahman. *Method of Ijtihad Majelis Tarjih Muhammadiyah*. Jakarta: Logos Publishing House, 2014.
- [8] Gandasubrata, Purwoto S. *The Development of New Reproductive Technology and Its Legal Implications, paper presented at the one-day seminar "The Development of the New Reproductive and Its Legal Implications,"* Jakarta: ISWI, 1989.
- [9] Hartono, Sunaryati. *Back to Legal Research Methods*. Bandung: Faculty of Law, Padjadjaran University, 2010.
- [10] Hassan, Ali. *Masail Fiqhiyah Al-Hadtsah: Contemporary Problems of Islamic Law*. Jakarta: RajaGrafindoPersada, 1998.
- [11] HS, Salim. *IVF, Review of Legal Aspects*. Jakarta: Sinar Graphic, 1993.
- [12] Indonesia. *the 1945 Constitution of the Fourth Amendment*.
- [13] _____. *Code of Civil law*
- [14] _____. *Islamic Law Compilation*
- [15] _____. *Law Number 36 Year 2009 concerning Health*.
- [16] _____. *Regulation of the Minister of Health Number 73 of 1992 concerning the Implementation of Artificial Reproductive Technology Services*.
- [17] _____. *Decree of the Minister of Health No. 72/Menkes/Per/II/1999 concerning the Implementation of Artificial Reproductive Technology Guidelines for IVF Services in Hospitals, Directorate of Specialized and Private Hospitals, Directorate General of Medical Services, Ministry of Health, Republic of Indonesia*
- [18] _____. *Decree of the Indonesian Ulema Council Number: Kep 952/MUI/XI/1990 concerning Artificial Insemination or IVF*
- [19] *Decision of the 21st Muhammadiyah Tarjih Congress, IVF and Transplantation in the Spotlight of Islamic Law*, Publisher Unity Yogyakarta, 1980.
- [20] Kansil, C.S.T. *Dictionary of Legal Terms*. Jakarta: Sinar Graphic, 2009.
- [21] Kurdish, Muliadi and MujiMulia, *Modern Fiqh Problems*. Banda Aceh: PenNA Foundation, 2005.
- [22] Kusumaatmadja, Mochtar. *Legal Concepts in Development*. Bandung: Alumni, 2002.
- [23] Mahjuddin, *Masa'ilul Fiqhiyah*. Jakarta: KalamMulia, 2007.
- [24] Mashduqi, Badri. *Gait and Exemplary*. Yogyakarta: Islamic Boarding School Library, 2008.
- [25] Mertokusumo, Sudikno. *Knowing the Law: An Introduction*. Yogyakarta: AtmaJaya University, 2011.
- [26] Muhammad Fachruddin, Fuad. *Child Problems in Islamic Law*. Jakarta: Jaya Science Guidelines, 1991.
- [27] Nasution, Amin Hussein. *Inheritance Law A Comparative Analysis of Mujtahid Thoughts and Compilation of Islamic Law*. Jakarta: RajaGrafindoPersada, 2012.
- [28] Nazir, Moh. *Research Methods*. Jakarta: Ghalia Indonesia, 2003.
- [29] Ondeng, Syarifuddin. *Islam and Health, Islamic Studies and Contemporary Problems*. Makassar: Alauddin Press Makassar, 2016.
- [30] Permadi, Wiryawan. *Only 7 days Understanding In Vitro Fertilization*. Bandung: RefikaAditama, 2008.

- [31] Prawirohamidjojo, Soetojo. *Person and Family Law*. Surabaya: Airlangga University Press, 1998.
- [32] Prodjodikoro, Wirjono, *Inheritance Law in Indonesia*, Cet.VI, Bandung: Bandung Well, 1974.
- [33] Rawls, John. *Theory of Justice (Translation of A Theory Of Justice)*. Yogyakarta: Student Library, 2006.
- [34] Regards Arief, Abd. *Renewal of Islamic Legal Thought Between Facts and Reality*. Yogyakarta: Lesfi, 2003.
- [35] Satrio, J. *Family Law regarding the position of children in the law*. Bandung: Citra Aditya Bakti, 2000.
- [36] Setiawan, *Midwifery Ethics and Health Law*. cet. I; Jakarta: Trans Info Media, 2010.
- [37] Shidiq, Shapiuddin, *Contemporary Fiqh* Edition I; cet. I. (Jakarta: Prenadamedia Group, 2016.
- [38] Soekanto, Soerjono. *Introduction to Legal Research*. Jakarta: UI Press, 2001.
- [39] Soekanto, Soerjono and Sri Mamudji, *Normative Legal Research An Introduction*. Jakarta: RajaGrafindoPersada, 2001.
- [40] Soimin, Soedharyo. *Person and Family Law, Perspective of Western Civil Law/BW, Islamic Law, and Customary Law*. Jakarta: Sinar Graphic, 2009.
- [41] Syahrani, Riduan. *Summary of the Essence of Legal Studies*. Bandung: Citra Aditya Bakti, 1999.
- [42] Tahar, Shaheb. *Artificial Insemination According to Islamic Law, first printing*. Surabaya: Science Development, 1987.
- [43] Thamrin, H. Husni. *Legal Aspects of IVF and Uterus Rent*. Yogyakarta :AswajaPressindo, 2014.
- [44] Triwibowo, Cecep. *Health Ethics & Law*. Yogyakarta: NuhaMedika, 2014.
- [45] Vitahealth, *Infertile*, Jakarta: GramediaPustakaUtama, 2007.
- [46] ZantiArbi, Sutan and WayanArdhana. *Social Policy Research Design*. Jakarta: PustekomDikbud and Rajawali, 2002.
- [47] Zuhdi, Masjfuk. *MasailFiqhiyah*. Jakarta: GunungAgung Store, 1997.