



Donor Sperm, Lineage, and Preventive Islamic Legal Reasoning: A *Sadd al-Dharī'ah* Analysis

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Abstract

Artificial insemination using donor sperm represents a significant challenge to the integrity of lineage (*nasab*) within contemporary legal and social systems. As a form of assisted reproductive technology, it enables non-conventional forms of procreation that raise complex ethical, legal, and social concerns, particularly regarding kinship, identity, and marital legitimacy. Among the most notable cases is the fertility fraud incident in Indianapolis, where a physician inseminated numerous patients with his own sperm without their knowledge or consent, resulting in extensive and unintended biological relations. This study examines the legal and ethical implications of donor sperm insemination through the framework of *sadd al-dharī'ah* as a form of preventive Islamic legal reasoning. Employing a qualitative approach based on library research and content analysis, the study draws on documentary materials, including the Our Father case, as well as relevant legal and theoretical literature. The analysis focuses on how reproductive technologies, when detached from normative constraints, generate risks that extend beyond individual cases to broader social structures and systems of lineage governance. The findings indicate that donor sperm insemination poses serious risks to the preservation of lineage (*ḥifẓ al-nasl*), potentially leading to genealogical ambiguity, inadvertent consanguinity, and disruptions in family structure. Within this context, *sadd al-dharī'ah* provides a relevant analytical framework for anticipating and preventing harm by restricting



practices that may lead to legally and socially undesirable consequences. This article contributes to the ongoing discourse on Islamic legal reasoning by demonstrating the applicability of preventive principles in addressing emerging bioethical challenges, while situating lineage not only as a matter of individual rights but also as a concern of social order and legal ethics.

[Inseminasi buatan menggunakan sperma donor merupakan tantangan signifikan terhadap integritas nasab dalam sistem hukum dan sosial kontemporer. Sebagai bagian dari teknologi reproduksi berbantu, praktik ini memungkinkan bentuk prokreasi non-konvensional yang memunculkan persoalan etis, hukum, dan sosial yang kompleks, terutama terkait kekerabatan, identitas, dan legitimasi perkawinan. Salah satu kasus yang menonjol adalah skandal fertility fraud di Indianapolis, di mana seorang dokter melakukan inseminasi terhadap sejumlah pasien menggunakan spermanya sendiri tanpa sepengetahuan dan persetujuan mereka, sehingga menghasilkan relasi biologis yang luas dan tidak terduga. Penelitian ini mengkaji implikasi hukum dan etika dari inseminasi sperma donor melalui kerangka sadd al-dhari'ah sebagai bentuk penalaran hukum Islam preventif. Dengan menggunakan pendekatan kualitatif berbasis studi kepustakaan dan analisis isi, penelitian ini memanfaatkan bahan dokumenter, termasuk kasus Our Father, serta literatur hukum dan teoritis yang relevan. Analisis difokuskan pada bagaimana teknologi reproduksi, ketika terlepas dari kendali normatif, berpotensi menimbulkan risiko yang tidak hanya berdampak pada individu, tetapi juga meluas ke struktur sosial dan tata kelola nasab. Hasil penelitian menunjukkan bahwa inseminasi sperma donor menimbulkan risiko serius terhadap perlindungan nasab (ḥifz al-nasl), termasuk potensi ambiguitas genealogis, perkawinan sedarah yang tidak disadari, serta disrupsi terhadap struktur keluarga. Dalam konteks ini, sadd al-dhari'ah menawarkan kerangka analitis yang relevan untuk mengantisipasi dan mencegah kemudatan melalui pembatasan praktik yang berpotensi menimbulkan konsekuensi hukum dan sosial yang tidak diinginkan. Artikel ini berkontribusi pada pengembangan diskursus penalaran hukum Islam dengan menunjukkan bagaimana prinsip-prinsip preventif dapat dioperasionalkan dalam menghadapi tantangan bioetika kontemporer, serta menempatkan nasab tidak hanya sebagai persoalan hak individual, tetapi juga sebagai bagian dari tatanan sosial dan etika hukum.]

Keywords: Lineage, Sadd al-Dhari'ah, Preventive Islamic Legal Reasoning, Modern Reproductive Technology, Donor Sperm Insemination.

Introduction

Artificial insemination, as one of the engineering technologies, is an act performed purposefully by scientists for a specific aim without regard for whether the desired activity is beneficial or negative. Artificial insemination to have children without having intercourse has progressed to alarming levels, including the commercialisation of uteruses, donor sperm, cloning, and even triggering same-sex marriage couples to have children (Mazrekaj et al. 2022), (Navarro 2018). Indeed, many experts from different fields have questioned its moral, religious, social, and legal standing (Rizka 2013), (Podgorsek et al. 2014). Religious leaders, particularly Muslims, have generally stated that this behaviour is prohibited when the seeds (both sperm and ovum) used do not come from a husband and wife. The documentary film *Our Father*, which premiered on Netflix, awakens many people to the negative effects of artificial insemination, which has been practised for over 40 years (Morgan and Roberts 2015). The documentary depicts the story of a fertility specialist in Indianapolis (USA) who transferred his sperm to over a hundred female patients, resulting in the identification of 94 siblings who share the doctor's blood through DNA testing (Bouzenita 2017). Some of these siblings are married to one another, igniting their resentment of their biological father and bringing him to justice. Based on the complexity of the issues presented in the documentary *Our Father* and the potential negative impacts that can be predicted from this practice, this study then uses the *sadd al-dharī'ah* approach as a legal prevention method in determining the assessment of this act.

The fact that a man can have more than one hundred children through artificial insemination has presented new legal issues that cannot be viewed solely in terms of normatively determining whether it is permissible or not. This fact not only poses significant risks to complex family structures, such as confusion of lineage and reproductive governance, but also has the potential to exploit the body and its ability to reproduce within a capitalist context (Robertson 1991). Therefore, this article positions the concept of *sadd al-dharī'ah* not only as a tool for determining final legal conclusions but also as a preventive methodological framework for Islamic law, enabling this concept to respond to and address contemporary legal challenges in a profound and comprehensive manner.

Within the scope of *uṣūl al-fiqh* science, the concept of *sadd al-dharī'ah* is explained as an effort to close the way for certain actions which are basically

permissible (*mubah*) to be carried out, but there is a strong suspicion that these actions could bring much greater harm. In fact, according to al-Shatibi, Islamic law does not only regulate concrete actions but also takes into account potential legal and social consequences that arise later. This can be understood because Islamic law aims, among other things, to safeguard the benefit of society now and in the future (al-Syatibi 2005). Thus, this study places *sadd al-dharī'ah* as an analytical perspective in Islamic family law to examine potential risks, not as the main normative goal to prevent or prohibit certain practices.

Al-dharī'ah is a way of ascertaining the law used in Islamic law to determine the law of an act that has not been explained by the Qur'an and Sunnah. This method consists of two parts, namely *fath al-dharī'ah* and *sadd al-dharī'ah*. *Fath al-dharī'ah* literally means "to pave the way". That is, recommending media/routes that can lead to goodness. The use of media or methods that produce benefits must be promoted and encouraged because providing goodness is something that Islam orders. It is proposed, for example, to develop a textile industry so that people can easily get clothing to cover their private areas (Dahlan 2014).

The use of the *sadd al-dharī'ah* concept approach can be in line with the concept of *maqasid al-sharia* in the scope of *hifz al-nasl* (maintaining offspring) proposed by al-Shatibi and later developed by contemporary scholars who emphasise the structural aspects of the substance of benefit and harm. In the scope of modernity, Islamic law should be understood more complexly by paying attention to the interweaving of social relationships and correlations and their institutional impacts so that sharia is not only a tool for individual action (Auda 2008). Related to the issue of artificial insemination in the documentary *Our Father by a single donor*, this comprehensive approach can reveal a very serious threat to the protection of lineage (*hifz al-nasl*) as outlined by sharia. Conditions are no longer personal and individual but shift to a larger social scale and across generations.

Jamaluddin Atiyyah's thought on *hifz al-nasl* is not understood merely as continuing the lineage but rather as comprehensive protection for the quality and sustainability of the human generation. This concept emphasises the protection of the institution of marriage as a legitimate legal and ethical forum for dignified reproduction. Therefore, all forms of sexual exploitation, adultery, and practices that undermine human dignity are seen as contradictory to the goals of *hifz al-nasl*. Furthermore, this concept demands the responsibility of parents and the

state to ensure the health, education, and upbringing of children so that a generation is born that is physically, mentally, and morally strong. Gender equity within the family is also an important principle, with the rights and obligations of husband and wife being placed proportionally. Thus, *hifz al-nasl* is proactive, not only preventing damage but also building the quality of the generation. Meanwhile, *hifz al-nasl* focuses on the clarity and legitimacy of genealogical relationships. This concept guarantees children's rights to a clear lineage identity as the basis for civil, social, and religious rights. Prohibitions on mixing lines through regulations on adultery, *li'an*, and adoption (*tabanni*) serve to maintain clarity of lineage, which impacts inheritance rights, guardianship, maintenance, and legal responsibilities. Lineage protection also safeguards children's dignity from stigma and injustice resulting from unclear family status, thus providing a protective and preventative effect on the socio-legal order (Atiyyah 2003).

Critics of Islamic law, including Hallaq, have discussed the simplification of Islamic law by limiting it to legal normative aspects and sometimes separating it from the reality of ethics and societal moral rules. Based on this thought, the concept of *sadd al-dharī'ah* can be used as a method of establishing Sharia law that is full of morals or ethics to overcome and prevent the habituation of actions that damage the social and structural order, even though these actions are based on modern technology and claimed as individual freedom (Hallaq 2009). Artificial insemination in the film *Our Father* was carried out without considering legal and institutional limitations, resulting in the failure of legal provisions and opening up a very wide space for the behaviour of commodification of human offspring.

Based on the examples above, *al-dharī'ah* can be utilised to determine Islamic law in matters of worship, property (grants), criminal matters (possession and use of firearms), and other issues such as marriage-related problems (*munakahat*). Marriage is a contract that justifies sexual relations between a man and a woman, and the contract establishes ownership, rights, and obligations between the two (Zahrah 1948). The primary goal of marriage is to have children in order to continue the human race (al-Syatibi 2005). As a result, marriage decides the legality of a child being born. The provisions of Islamic law regarding legitimate children are emphasised in marriage regulations. A legitimate child is defined in Article 42 of Law Number 16 of 2019 about Amendments to Law Number 1 of 1974 concerning Marriage as a child born in or as a result of a valid marriage. Article 42 is subsequently followed by Article 43, which states that

children born outside of marriage are only legally linked to their mother and her family.

Many infertile couples have benefited from artificial insemination, allowing them to continue having children of their own. Since the birth of the first child through artificial insemination, this procedure has evolved and opened up opportunities to be used in a variety of ways. For example, some wives do not want to become pregnant but want to have children, so the child is placed in another woman's womb through surrogacy, which leads to lineage confusion (Arifin 2020). Several developed countries, including Germany, Finland, and China, outlaw surrogacy (Garbuzova 2021), even though demand for surrogacy in China continues to rise (Xiao et al. 2020), but surrogacy is fully supported in Israel (Silvern and Cojocar 2020) and Ireland (Tobin 2019). There are also husbands who have poor sperm quality yet want to have children through their wives' wombs; therefore, donor sperm from other men is used. The advancement of these new artificial insemination procedures must have consequences (Sutanto 2018). It becomes problematic when this method is applied to Indonesian society, which is dominated by Muslims with strong religious values. In this case, obtaining legal offspring and clear origins (lines) as one of the primary goals of marriage is also determined by a legal marriage, which complies with the provisions of religion and the state (Muamar 2013).

Artificial insemination in humans, from a moral standpoint, poses its own problems when remaining unused embryos are perished. From the standpoint of *maqasid al-sharia*, particularly the necessity to maintain offspring (*hifz al-nasl*), this method can be utilised to assist married couples in having children to continue their offspring (Anwar 2017). However, when the embryo used comes from a deceased father/husband, it remains a problem in and of itself, even though some consider the child born to be a legitimate child under Article 250 of the Civil Code (Susanto et al. 2020) but unlawful under Islamic law (Jafar 2009). According to Article 280 of the Indonesian Civil Code, a child born through IVF (in vitro fertilisation) with donor sperm is deemed a legitimate child if the child receives recognition. Children born through surrogacy, on the other hand, are regarded as adopted under the provisions of Article 8 *Staatsblad* 1917/129 (Zahrowati 2018).

This study uses an Islamic legal lens to analyse a case of fertility fraud that occurred in the United States, even though the case occurred in a secular, non-Muslim jurisdiction. The Islamic legal approach here is not intended as positive law with formal authority in this context. It also does not aim to Islamise United

States law or replace existing legal standards. Instead, this study positions *sadd al-dharī'ah* as an analytical and methodological perspective for understanding the potential risks and long-term impacts of assisted reproductive practices in modern reproductive governance. Thus, Islamic law is presented as an epistemological contribution from Islamic and Global South intellectual traditions to the global debate on ethics, regulation, and responsibility in reproductive technology. This approach also forms part of the decolonisation of Islamic law and knowledge by demonstrating that Islamic legal concepts and methods (*sadd al-dharī'ah*) can serve as a critical, relevant, and dialogical reflective reference in addressing contemporary issues across jurisdictions.

Simply put, the artificial insemination procedure used to solve the problem of infertile couples has created its own issues in Islamic law. Surrogacy is prohibited in many Muslim-majority countries, according to fatwas, recommendations, and regulations. However, only a few legal experts investigate the potential consequences if this technique is employed in the future. This legal position shows an increased understanding of Islamic law, or Sharia, as a legal system that establishes rules in accordance with its objectives while also regulating the consequences that can arise when actions are not in line with its objectives. Artificial insemination is a medical procedure that is not/has not been regulated in statutory regulations, so moral, ethical, and religious considerations are the main sources in determining legal provisions.

Method

This is library research using several approaches. Meanwhile, the *sadd al-dharī'ah* approach is used for data processing based on Islamic law. In addition, this research also employs secondary data, namely a 1-hour 30-minute documentary film titled *Our Father* that was officially premiered on Netflix. This documentary is thoroughly viewed, and it is clear that this film features actual interview recordings, notes, and other original documentation from the people involved in this case. All data obtained from the documentary and other reference materials are subjected to content analysis.

This study employed a qualitative design based on documentary analysis combined with a doctrinal analysis of Islamic law. The primary data were obtained from the Netflix documentary *Our Father*, which was repeatedly viewed and analysed through thematic coding of the narratives and documents presented to identify practices, actors, and legal and ethical risks. This analysis

was complemented by a systematic literature search of secondary data sources, including laws and regulations, legal decisions, academic journal articles, and ethical guidelines related to reproductive technology. All data were analysed using the *sadd al-dharī'ah* approach as a framework for Islamic law.

This article attempts to use the concept of *sadd al-dharī'ah* as a guideline for reforming Islamic law that is more responsive to the rapid development of modern human reproductive technology. In this case, the prohibition of artificial insemination with donor sperm, as in the film *Our Father*, is not merely targeted as an end in itself but is positioned as the maximum result of preventive substance against the complexity of social and legal risks that can be predicted logically and empirically. This *sadd al-dharī'ah* approach further demonstrates that Islamic law, which has previously been viewed as reduced, actually possesses adequate methodological concepts for practical and critical use in facing the challenges of modernity in human reproduction. On the other hand, the use of the *sadd al-dharī'ah* methodological concept can be more flexible without losing its normative elements and the obligation to preserve offspring (*ḥifẓ al-nasl*). The limitations of this study lie in its reliance on a single documentary and a single case in the United States, so the findings are not intended for broader empirical generalisation.

From Documentary to Legal Problem: The *Our Father* Case

Our Father is a documentary film released on Netflix in May 2022 and produced by Blumhouse Productions. The film authentically captures conversations, interrogations, and hearings related to a fertility fraud case, although some scenes are reconstructed based on real events. The story begins with the confession of a child named Jcb (Sibling #1), which is then corroborated by the testimony of his mother and biological siblings under assumed identities. His suspicions arose from childhood due to physical differences from his family, until it was finally discovered that he was born through donor sperm insemination in 1979.

Jcb's mother visited Dr. DC, desperate to have a child, while her husband was experiencing infertility. When she was around 20-21, she was assured that the insemination procedure would use donor sperm from a medical student. After ovulation, the procedure was performed, and she became pregnant. To her mother, Jcb meant everything. As an only child, Jcb had always hoped for siblings. At 18, before commercial DNA testing was available, she only knew that

her mother used limited donor sperm. When Jcb asked for further information, Dr. DC, without showing any empathy, stated that the files had been destroyed. Jcb then continued with her life in the hope of one day finding her biological siblings.

Jcb became further shocked and stated that the situation was becoming increasingly absurd. She was terrified when new matches for her other siblings appeared, all the way up to sibling number 53, CF. Many of them had similar health issues. Almost all of them had genetically handed down autoimmune diseases, blood clotting abnormalities, and other ailments from their biological father. Jcb then reached out to sibling number 61, AK, who took a DNA test at 23andMe after she and her children were diagnosed with a genetic disease about 5 years ago. When she reviewed the results, she discovered that many of her siblings had been in the database. In 2018, the mothers' and the siblings' lobbying contributed to the passing of Indiana's fertility-fraud law, but there was still no federal law at the time. Based on the results of these DNA tests in Indiana, 44 other doctors were discovered to be using their own sperm to inseminate women with fertility issues, with Dr. DC being the most productive of these doctors. Until the completion of this documentary, it was discovered that Dr. DC had 94 children from his insemination programme, and this number continued to grow on the internet site 23 and Me.

Since the release of *Our Father*, several legal actions related to the documentary have been initiated (Moore 2023). Netflix was ordered to pay damages to a woman whose identity was revealed without permission in December 2024, and several victims filed suit against Netflix/Blumhouse over the disclosure of their personal data in the film (Cullen 2024).

Lineage under Strain: Marriage, Legitimacy, and Legal Order

Lineage refers to familial ties based on blood relatives resulting from a lawful marriage. As a result, lineage is one of the solid bases for establishing a household life as well as creating a bond. Lineage is among the best favours bestowed by Allah to humans. Allah states in the Quran that humans are created from water (sperm), and through that water, He made human beings relatives. It also becomes a sign of Allah's greatness towards humans (Qur'an 25:54). A father is forbidden from denying his offspring because of the importance of lineage in a family (AlJahsh 2024; Husain 2000). Similarly, it is illegal for a woman to ascribe a child to a man who is not his real father. This prohibition is elucidated in a hadith

narrated by Abu Hurairah from Rasulullah (peace be upon Him) (an-Nasa'i 2009). Similarly, it is forbidden for a child to attach himself to a man who is not his biological father (Hammond and Hamidi 2025; Al-Bukhari 2009).

The lineage of a child to his mother, according to most scholars, is caused by pregnancy that occurs due to sexual intercourse with a man, whether the sexual relationship is based on a marriage contract or through adultery. However, if the pregnancy happens as a result of a false marriage contract or through *shubhat* sexual relationships, the child may follow the lineage of the father (al-Zuhaili 1997a). Scholars also stipulate that there is an actual meeting between the woman and the man after the marriage contract that allows them to have sexual relations so that the calculation of a minimum of 6 months after the marriage contract is acceptable to assign a child to the husband.

Second, provisions concerning child lineage that occur as a result of *fasid* marriages, that is, marriages that occur but do not meet the Shari'a requirements. Marriage of a woman without a guardian, for example, is acceptable in the Hanafi school of thought (al-Kasani 2001), but it is mandatory in the Shafi'i school of thought (Qudamah 2012). A marriage guardian is not required by law in a marriage contract, according to Hanafiah. As a result, marriages like this are classified as *fasid* marriages. If the child is born after six months of sexual intercourse, it can be assigned to the man. If the child is born fewer than six months after they had sexual encounters, the infant is not connected to the man, but only to the mother (Ibnu Rusyd 1996).

The discussion on establishing lineage in a *fasid* marriage is not intended as a stand-alone normative account but rather as a conceptual framework for understanding the problem of lineage in the case of fertility fraud depicted in the film *Our Father*. The case demonstrates a serious flaw in the deliberate reproductive process, resulting in an unclear biological and legal relationship between the child, the mother, and the man whose sperm is used without consent (Asadisarvestani and Sobotka 2023). Using analogies in Islamic law regarding procedural flaws in marriage and their implications for lineage, this section attempts to explain how *sadd al-dhari'ah* can be used to assess the risk of lineage damage resulting from reproductive practices that violate ethical and legal boundaries, even if they occur outside the context of conventional marriage (Ginsburg and Rapp 1991).

There are scientific alternatives to proving a child's blood kinship with his father, mother, or other siblings in modern times, such as DNA testing and others

(*al-bayyinah*). In the context of Islamic law, research on the origins of children whose lineage cannot be determined is known as *al-qiyafah* or *al-qafah* (al-Zuhaili 1997b). *Al-qiyafah*, namely the intelligence of a person following a trail or a sign (on something/someone). After following that trail/sign, he knows the secret behind that sign until he can find out the resemblance of a person to his brother and father. This intelligence is obtained from instinct, dexterity and a lot of practice so that it can say things carefully, which results are usually always right (Ibnu Manzur 2003).

Who Is the Father? Lineage and Legal Status in Donor Sperm Insemination

Everyone who is experiencing infertility issues will undertake a variety of efforts, ranging from traditional methods to the use of modern technology. Fertility experts in many locations have done numerous trials of innovative treatments to cure infertile couples. One method is to follow the in vitro fertilisation procedure. Even if this program has produced positive results, it still has religious, social, legal, and ethical issues. Essentially, every married couple wants children. However, not all of them can have children due to numerous issues that arise between them. One of these issues is infertility in both men and women. Many couples all over the world are dealing with infertility issues. According to the most recent data, 4 out of every 5 married couples in the United States are infertile. Similarly, in other developed countries (He and Wan 2023). On the other hand, some infertile couples still want children in their lives, so they seek alternative solutions. Artificial insemination is one method that has proven to be effective in treating infertility.

Scientific reality, such as presented in the documentary *Our Father*, has demonstrated that artificial insemination techniques have greatly helped married but infertile couples who have been unable to have children due to infertility. Artificial insemination is a method or technique for becoming pregnant without having a sexual relationship (Tahar 1987). As a result, artificial insemination is the most recent option available to married couples experiencing infertility in order to have children. Artificial insemination with sperm and ovum from a legitimate married couple is legal under religious and state law, and the child born from this method is a legitimate child and the father and mother's lineage is known in accordance with the provisions stipulated in Articles 42 and 55 of Law Number 1 of 1974 concerning Marriage and Article 99 letters a and b Compilation of Islamic Law (Janighorban et al. 2022). On the other hand, if artificial

insemination is performed using the sperm and ovum of another person (donor), modern scholars have determined that it is prohibited to do so, and children born from this method are included as children whose origins are unknown, so they can be classified as children born as a result of adultery as regulated in Articles 43 and 44 of Law Number 1 of 1974 concerning Marriage and Articles 100, 101, and 102 of the Compilation of Islamic Law (Frydenlund and Leidig 2022).

Although artificial insemination between married couples is considered legal under religious and state law, the film *Our Father* demonstrates that legal issues arise when this medical practice is abused through sperm surrogacy without the patient's consent. In this case, a fundamentally legitimate method becomes a vehicle for fraud and reproductive rights violations. Furthermore, at the time this practice occurred, criminal law in the United States did not yet have adequate instruments to prosecute perpetrators, preventing doctors from being prosecuted. This situation reveals a legal gap in the regulation of reproductive technology, where the legality of the procedure is not balanced by mechanisms to prevent abuse. Therefore, an analysis of *sadd al-dharī'ah* is relevant for assessing risks and preventing damage to lineages and injustice before they occur.

Aside from the ambiguity of lineage, health researchers believe that artificial insemination programmes can have a variety of other effects on children who are born, including multiple pregnancies that result in premature birth, an increased risk of cancer in babies, babies with low birth weight, leukaemia, lymphoma, and others (Rajuddin and Baziad 2018). That is, it is clear from the different arguments above that artificial insemination has consequences on multiple levels, including religious, ethical, social, and legal considerations. Although others argue that the danger is not ample, the documentary film *Our Father* shows that the risk exists in children born through artificial insemination.

Preventing Harm Before It Occurs: A *Sadd al-Dharī'ah* Analysis of Donor Sperm Insemination

The case of artificial insemination with donor sperm in the documentary *Our Father* cannot be viewed simply as an individual moral scandal, or as an abuse of authority as a doctor, or simply as a violation of medical ethics. Rather, this case clearly demonstrates the legal failures in practice, particularly the failure of medical governance, the lack of reproductive regulations, and the weakness of institutional accountability mechanisms, particularly in the United States, a country with numerous artificial insemination programmes. This legal confusion

is openly explained in the film. The desire of the donor children for Dr. DC to be criminally punished cannot be granted by the United States courts due to the lack of regulations governing it. Therefore, the use of the documentary as the subject of study in this article can be used as sociological juridical material that demonstrates the strength of power relations, the practice of the medical profession, and the lack of legal oversight empirically. In the scientific concept of legal sociology, Friedman argues that law does not always contain only normative texts, but law should also contain institutional behaviour and legal culture that open up opportunities for layered rule violations without effective sanctions (Latif 2024; Friedman 1975). The documentary *Our Father*, in this study, can function as a social analysis that shows how the law has become powerless to address modern practices of human reproduction, even though it has formally provided medical ethics.

The Indianapolis case of artificial insemination with donor sperm clearly demonstrates that abuse of medical authority does not simply occur in a vacuum. Weak or incomplete regulations on sperm donation practices, despite existing regulations limiting the number of biological offspring, and the absence of institutional transparency obligations create structural conditions that remain open to the exploitation of reproductive health, which has persisted for decades (Harry et al. 2024). Jasanoff argues that the weak regulations on the use of biomedical technology in human reproduction may arise not from the absence or weakness of the law, but rather from the law's inability to address the social consequences of applying modern science (Jasanoff 2011).

Based on this thought, the documentary *Our Father* is not used as a sensational study but rather as normative sociological data to reveal how a large state loses its legal capacity to control medical practices to protect the interests of society. The *sadd al-dharī'ah* approach in this study is positioned not as a mechanism to directly apply Islamic legal rulings to non-Muslim actors or the US justice system, but rather as a dialogical and reflective analytical lens. Viewed through an Islamic preventive perspective, human reproductive technology practices that are technically justified by positive law can still carry structural risks to the preservation of offspring, family relations, and public trust. Using *sadd al-dharī'ah* as a guide for critical reading, this study examines the potential long-term harms of reproductive medical practices without claiming normative authority over secular jurisdictions. The aim of this analysis is to draw normative and ethical lessons for Muslim-majority societies in facing the development of

reproductive technologies, while also contributing an Islamic legal perspective to the global debate on reproductive governance. Thus, Islamic law serves as a source of preventive reflection and epistemological contribution, rather than as an external tribunal determining legal outcomes for the US legal system.

A more in-depth examination of this article can contribute to the global discourse on the development of Islamic family law and how reproductive technology plays a significant role in that development. This reality can shift the focus of the study from determining the legal status of individual human reproduction to changing the direction of the law structurally. In turn, the use of the concept of *sadd al-dharī'ah* becomes very strategic in preventing the risks of social change resulting from modern reproductive technology. When viewed from the perspective of technology, which is not value-free in Islam, the issue of artificial insemination with sperm donors is generally placed within the scope of the legitimacy of child lineage as a manifestation of the biological relationship between husband and wife in a marriage. Therefore, this article provides a methodological alternative that uses *sadd al-dharī'ah* as an approach and tool for critical analysis of human reproductive law using technology, which can systematically impact every aspect of family law after the use of such technology.

Research results on artificial insemination in humans have been ongoing for quite some time since this technology was introduced in the early 19th century. Muslim scientists have participated in scientific studies on this issue. Among them, some tend to focus on the normative elements of medical practices using human reproductive technology with a *qiyas* approach in *uṣūl al-fiqh* science, which leads to the certainty of protecting the child's lineage (Kamali 2003). In contrast to previous research studies, this article seeks to go beyond the various approaches that have been used by showing that the use of modern human reproductive technology has resulted in a real form of new threat to the child's lineage that is global and cross-generational in nature that cannot necessarily be fully seen by conventional *fiqh* analysis (Sachedina 2009).

The most important contribution of this article is accumulated in the reconstruction of *sadd al-dharī'ah* as a methodology of preventive legal reasoning and is more orientated towards the necessity of preserving descendants (*ḥifẓ al-nasl*) within the concept of *al-maqasid* as a primary element in the public interest. This article not only ensures the protection of individual lineage but also expands the discussion and study of lineage as a strategic biological issue towards issues of social system governance and legal ethics (Auda 2008). Thus, this research has

contributed to advancing the development of contemporary Islamic family law by proving that Islamic law has the methodological capital to address and respond to the impact of human reproductive technology. It not only demonstrates a reactive legal stance normatively and doctrinally but also responds critically, prospectively, and futuristically. Based on the different approaches used, this article can be one part of the contemporary jurisprudence literature that contributes conceptually to the global discourse on family law and the advancement of human reproductive technology that surrounds it for the sake of protecting human dignity. The main discussion in this article refers to the application of basic principles of Islamic family law in dealing with the impact of modern human reproductive technology that is changing the order of human life on an unstoppable scale and speed.

Artificial insemination with a sperm donor, depicted in the film *Our Father*, demonstrates that child lineage is no longer limited to the ambiguous relationship between an individual father and his child. This human reproductive technology has introduced new, more serious legal issues that have affected humanity collectively. The direct consequences can be seen in the ambiguity of family law systems, such as inheritance, marriage guardianship, and the potential for consanguineous marriages that obscure the identity of the next generation. The legal consequences of the use of this reproductive technology demonstrate that advances in reproductive technology have given rise to risks that cannot be easily addressed reactively and doctrinally after the damage has actually occurred. Yet, among other things, sharia aims to safeguard human welfare through methods of preventing actions that could rationally lead to disgrace (al-Syatibi 2005). From this perspective, *sadd al-dharī'ah* can function as a preventive jurisprudential method and not simply be used as a normative reference.

The case of artificial insemination with donor sperm in this article is based on a factual incident in Indianapolis, United States, and documented in the film *Our Father*. Nevertheless, the analysis of this incident is highly significant and relevant for Muslim-majority countries in other regions, particularly those in Central and Southeast Asia. Medical and human reproductive technology is penetrating these regions, while the regulatory framework and legal enforcement have not yet kept pace with the pace of technology. Furthermore, the legal experience of developed countries (e.g., the United States) cannot be readily

adopted, especially since legal systems in developing countries are often reactive and based on past events.

This thought aligns with Santos's view that legal systems in developing countries operate within more complex conditions, such as the dynamics of legal pluralism, institutional limitations, and difficult access to justice for the public. Consequently, the legal approaches employed rely more heavily on sanctions after observing the consequences of an event. Consequently, this approach is not always successful in protecting the public interest (Santos 2014). The rationale for this research is explicitly positioned within a decolonial framework, viewing the Indianapolis fertility fraud case not solely as a doctor's individual error but as a structural symptom of the reproductive governance model in the Global North, heavily influenced by market logic, individualism, and liberal autonomy. In this context, reproductive technology is treated as a private service, while issues of lineage, kinship, and intergenerational impact tend to be marginalised. Through an Islamic legal approach, the concepts of *nasab*, *ḥifẓ al-nasl*, and *sadd al-dharī'ah* function as decolonial counter-concepts that challenge the assumptions of mainstream bioethics. These three concepts emphasise social responsibility, the continuity of offspring, and the prevention of harm before it occurs, rather than simply individual consent and procedural compliance. Thus, an Islamic perspective offers a critique from the Global South of the dominant Western bioethical paradigm while proposing an alternative preventive framework that is more sensitive to intergenerational justice and social cohesion in human reproductive governance.

Based on this thought, the *sadd al-dharī'ah* methodology exists to offer a contributory solution in addressing this human reproductive technology. This approach certainly differs from the liberal legal approach of developed countries (e.g., the United States), which primarily ensures that violations occur. The *sadd al-dharī'ah* approach stems from a heightened awareness of the need to emphasise risk prevention before rationally predictable events (al-Syatibi 2005). The conditions of Asian countries, which face various legal limitations, are highly relevant for using the *sadd al-dharī'ah* approach in addressing the expansion of this human reproductive technology. This view has also been expressed by other scholars. For example, Hallaq argues that Islamic law has developed from its inception as a teaching imbued with ethics and social governance. According to him, Islamic law is not solely about enforcing the teachings and will of the state (Hallaq 2019). Therefore, the *sadd al-dharī'ah* approach can be more easily

understood as a form of legal knowledge from the southern region that is responsive to modern technology, particularly human reproductive technology, and does not need to rely entirely on the state's law enforcement capacity.

Conclusion

Based on the above description, it can be concluded that the use of value-free technology in human reproduction through artificial insemination of donor sperm has had negative consequences in many aspects, such as opening up opportunities for marriage between siblings, women's wombs becoming business exploitations, inheritance of hereditary diseases, developing resentment for the biological father, destroying the donor recipient's family bonds, and so on. Excessive use of donor sperm also has a big influence on the lineage of the child in the marriage. The lineage of children born through artificial insemination with non-husband sperm cannot be determined. As a result, the child's status becomes unclear and leads to other unclear aspects of his life, such as inheritance and guardianship. The law of artificial insemination to help infertile couples is fundamentally permissible. However, referring to the negative effects of artificial insemination with sperm other than the husband's, it becomes prohibited based on *sadd al-dhari'ah*.

The primary contribution of this article is not to reconstruct the concept of *sadd al-dhari'ah* in its entirety, but rather to demonstrate its relevance as a preventive framework in addressing modern reproductive technologies and the social risks they pose. By examining assisted reproductive practices through the preventive methods of Islamic law, this study confirms that *sadd al-dhari'ah* remains contextual and applicable in responding to contemporary bioethical challenges. This article is positioned within the framework of Islamic law in motion, a methodological approach that engages global issues such as fertility fraud as a space for reflection and knowledge production in Islamic law. In this context, Islamic law does not simply react to developments in the West but functions as an epistemic resource in the Global South that actively contributes to the decolonisation of global legal and ethical discourse.

The results of the factual analysis of artificial insemination with donor sperm shown in the film *Our Father* show that the use of the *sadd al-dhari'ah* approach as a preventive measure in Islamic law is very strategic and relevant for Muslim communities in Asian countries, especially Southeast Asia, in facing the impacts and risks of human reproductive technology. Thus, the most

important contribution of this article is accumulated in the reconstruction of *sadd al-dharī'ah* as a methodology of preventive legal reasoning and is more orientated towards the necessity of preserving offspring (*hifz al-nasl*) in the concept of *al-maqasid* as a key element in safeguarding public interests. This article not only ensures the protection of individual lineage but also expands the discussion and study of lineage as one of the strategic biological issues towards the issue of social system governance and legal ethics.

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