

## Iddah in the Perspective of Maqasid al-Shariah

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### ABSTRACT

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Muslim women who have undergone divorce, whether during their husbands' lifetimes or following their husbands' demise, are obligated to adhere to a waiting period before they can marry another man. The term "iddah" finds its roots in Arabic and denotes the act of calculation and estimation. Etymologically, "iddah" originates from the words "adda" (to tally) and "iddah" (counting), signifying a woman's duty to meticulously calculate and evaluate the days and intervals during this sanctified phase.

Terminologically, "iddah" designates a span in which a woman refrains from remarriage post her husband's death or after divorce. This interval encompasses awaiting childbirth, completing a specific duration referred to as "quru'," or the culmination of a predetermined count of months. Within this study, the researcher opted for the method of literary scrutiny. The researcher examines divorce-related writings through the lens of Maqashid Sharia. The study's outcomes deduce that the waiting period (iddah) for divorced or widowed women, from the Maqashid Sharia perspective, pursues three primary objectives: upholding faith, safeguarding the self/psyche, and preserving lineage.

Consequently, observing this waiting span sustains faith, and its adherence is obligatory due to the pivotal and inescapable nature of religious practice, as the desired results are exclusively attainable through this course of action. Likewise, the fulfillment of religious obligations not only crucially preserves the religion itself but also safeguards one's spirit, intellect, possessions, and offspring. Accordingly, the iddah period becomes a religious matter intertwined with the preservation of faith, approached through actions aimed at maintaining religious devotion.

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### 1. Introduction

Marriage is a physical and spiritual bond between a man and a woman as husband and wife, with the aim of forming a happy and eternal family rooted in the Unity of God. With love, a family can become more harmonious and obtain happiness where it will become a fortress that strengthens their relationship. (Fatimawali: 2019). However, in the course of marriage, sometimes obstacles and hindrances are encountered that lead to the inability to achieve these

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goals, ultimately resulting in divorce. The consequences of this divorce create a responsibility for women to observe the "waiting period," also known as "iddah."

Islamic religion provides guidance on various stages in the life of marriage, starting from the phase of ta'aruf (approach), engagement, marriage ceremony, up to the occurrence of divorce or the end of marriage when the household can no longer be sustained for a certain reason. Shariah recommendations for observing the waiting period undoubtedly have specific backgrounds and wisdom, which will be further explained in the following sections of this paper. With love, a family can become more harmonious and obtain happiness where it will become a fortress that strengthens their relationship. (Fatimawali:2019)

In Islam, the waiting period (iddah) is determined as follows: 1) Women who are in their menstrual period (haid) have a waiting period of three complete cycles from their last menstruation. 2) Women who have passed their last menstrual period (menopause) have a waiting period of three months. 3) Women who are widowed have a waiting period of four months and ten days. 4) Pregnant women have a waiting period until they give birth. 5) There is no waiting period for women who have not been previously consummated.

The duration of the waiting period, as described above, is also reflected in the Compilation of Islamic Law Article 153 paragraph (2). In the context of civil law, this waiting period is referred to as the "waiting period," with durations of: 1) 1 (one) year for divorced women who want to remarry their former husband, and 2) 300 days for women who want to marry another man after a previous divorce."

## **2. Literature Review**

Several figures have conducted in-depth research on the concept of Iddah. The first is the work "Fiqh Sunnah" by Sayyid Sabiq, which discusses the definition, benefits, types of Iddah, and differences of opinion among Islamic legal scholars (ulama) regarding Iddah. However, the focus of this research is more on the issues that arise when women undergo the Iddah period.

Next, the book "Body, Sexuality, and Women's Sovereignty" by Abdul Moqsit Ghazali et al. discusses permissible and impermissible actions for women during the Iddah period. However, this research is more focused on the ethics of women during Iddah without diminishing women's dignity.

Furthermore, Prof. Dr. Abdul Aziz Muhammad Azzam and Prof. Dr. Abdul Wahhab Sayyed Hawwas, in the book "Fiqh Munakahat Khitbah, Nikah, and Talak," delve into the wisdom behind the Iddah regulations. This research highlights the Islamic perspective when the purpose of Iddah is fulfilled but the Iddah period has not yet ended.

Then, Prof. Dr. Amir Syarifuddin, in the book "Islamic Marriage Law in Indonesia," generally discusses the concept of Iddah. However, this research is more focused on Iddah for women who are widowed and concerns about the presence of a fetus in the womb, as well as women who are divorced by their husbands.

Furthermore, Dr. Jamal Eddin Ibrahim, a toxicology professor at the University of California, in his research, revealed that the female immune system has immune cells with "genetic memory" that identify foreign substances and maintain their genetic characteristics. These cells live for 120 days in the female reproductive system. Dr. Jamal Eddin Ibrahim shows that changes in foreign substances such as sperm before this period can disrupt the immune system and increase the risk of malignant tumors. Furthermore, he explains that this research can explain the increased risk of uterine and breast cancer in women who have sexual relationships with more than one man scientifically.

## **3. Methodology**

### **3.1 Research Design**

The research method applied in this study is library research. This method aims to gather data, perspectives, and information regarding Iddah and the impact of technological advancements through various sources available in the library, including relevant books and notes that are related to the main issue explored by the researcher.

### **3.2 Technique of Data Collection**

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To obtain data, the author uses data collection methods through the library by examining various literature or scholarly works related to the discussions needed in the writing of this scholarly work.

#### 3.2 Technique of Data Analysis

The collected data is then processed and analyzed using a qualitative method.

## 4. Results and Discussion

Frequently raised as a subject of inquiry is the rationale behind the obligatory imposition of a waiting period (iddah) upon women who have undergone divorce from their husbands, be it by way of formal divorce or as a result of the husband's demise. The iddah period, a duration often questioned for its length, carries multifaceted significance within Islamic jurisprudence. This notion has been meticulously elucidated by Drs. Sudarsono, SH, who outlines a constellation of objectives associated with the iddah period's presence.

Among the manifold intentions behind the iddah period's stipulation, a nuanced examination reveals a spectrum of roles it plays. Firstly, from the perspective of the husband, this temporal interlude bestows a space for contemplation and deliberation, affording him the opportunity to discern whether to pursue reconciliation or to abide by the path of divorce that has been initiated. Secondly, for the wife, the iddah period extends a unique occasion for her to introspect and determine her physiological status, enabling her to ascertain whether she is pregnant or not, thereby potentially influencing future decisions.

Furthermore, the iddah period assumes the mantle of a transitional phase, guiding both parties through the intricate process of emotional and psychological adjustment following the cessation of the marital bond. In this capacity, it serves as a vital buffer, allowing emotions to stabilize and decisions to be made with a composed mind.

KH. Azhar Basyir, MA., lends his perspective to the discourse, postulating a set of additional objectives that the iddah period serves to fulfill. Foremost, it serves as a profound testament to the paramount importance accorded to the institution of marriage within the tenets of Islam, spotlighting the sacred nature of the matrimonial union and its fundamental role within the broader societal framework. Secondly, the iddah period operates as a vessel of concentrated attention directed toward the marriage event, cultivating an atmosphere of earnest consideration and reflection. By doing so, it aims to galvanize efforts towards nurturing and preserving the marital bond, emphasizing the sanctity of the relationship.

In cases where divorce is a consequence of the husband's demise, the iddah period extends its scope to encompass an act of commemoration and mourning. This commemorative aspect is intertwined with the very fabric of familial ties, encompassing not only the widow but also the husband's family, underscoring a collective acknowledgment of loss and paying homage to the departed soul.

Additionally, the iddah period's application takes on a distinct significance in scenarios where divorce has been precipitated by intimate relations between the husband and wife. Here, the iddah period functions as a safeguarding mechanism, ensuring that the reproductive vessel, the womb, is unoccupied. By doing so, it serves as a means to potentially avoid any ambiguity concerning parentage and lineage.

In summation, the iddah period's complex tapestry of purposes unfolds within the intricate realm of Islamic family law. It embodies a multifaceted framework encompassing emotional, physiological, psychological, and social facets. As an embodiment of Islamic principles and ethics, the iddah period, with its multifarious objectives, stands as a testament to the depth of thought embedded within the intricate web of Islamic jurisprudence, emphasizing its relevance and importance within the diverse tapestry of marital circumstances encountered in Islamic society.

## 5. Conclusion

Iddah serves as a waiting period for women who have undergone divorce from their husbands, whether due to a formal divorce or the husband's demise, before they can remarry.

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Religious scholars unanimously agree on the obligation of iddah for women who have been divorced from their husbands. This perspective is based on the verse from the Quran in Surah Al-Baqarah, verse 228, which states that "Divorced women remain in waiting for three periods." The Prophet Muhammad also advised Fatimah bint Qais to observe iddah, instructing her to "observe your iddah in the house of Ummi Kaltsum."

The practice of iddah provides an opportunity for both parties involved in the divorce to reflect more deeply. It is hoped that during this period, the divorced couple will find the best path to continue their lives.

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