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## IDDAH IN A PHILOSOPHICAL, NORMATIVE, JURIDICAL, PSYCHOLOGICAL, SOCIOLOGICAL, AND ECONOMIC PERSPECTIVE

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**Abstract:** Iddah has relevance to human life, including psychological, sociological, economic, and philosophical. The method used in this research is a descriptive-analytical method, with the primary approach being normative juridical. The Review of some of these elements includes: a review of the philosophy of iddah is to see the cleanliness of a wife's womb so that there is no mixing of seeds between two people. This aims to clarify the lineage of a child. Normative and juridical laws of iddah have been regulated in the Qur'an, Hadith, and the Compilation of Islamic Law. The psychological Review of the iddah period gives the husband time to consider his household, whether it will be disbanded forever or rebuilt by preparing a stronger mentality to build a better household. Sociological Review, women are limited in socializing with people outside the home, especially with men who are not mahram. Meanwhile, from an economic perspective, a woman in the iddah has the right to earn a living from her husband. He is also entitled to a decent place to live. The husband is obliged to settle pending dowry cases or other obligations related to the economy, such as childcare costs, expenses during pregnancy, and expenses needed in daily life..

*Keywords: Iddah, Philosophical, Normative, Juridical, Psychological, Sociological, Economical*

**Abstract:** Iddah memiliki relevansi dengan kehidupan manusia yang didalamnya meliputi psikologis, sosiologis, ekonomis dan filosofis. Metode yang dipergunakan dalam penelitian ini adalah metode *deskriptif analitis* dengan pendekatan utamanya *yuridis normatif*. Adapun tinjauan dari beberapa unsur tersebut meliputi: tinjauan filosofi iddah adalah untuk melihat kebersihan rahim seorang isteri, sehingga tidak terjadi percampuran bibit antara dua orang. Hal ini bertujuan untuk memperjelas nasab seorang anak. tinjauan secara normatif dan yuridis iddah sudah diatur di dalam al-qur'an, hadis dan *Kompilasi Hukum Islam*. Tinjauan psikologis masa iddah diberikan waktu kepada suami untuk mempertimbangkan tentang rumah tangganya, apakah akan dibubarkan selamanya, atau dibangun kembali dengan mempersiapkan mental yang lebih kuat untuk membina rumah tangga yang lebih baik. Tinjauan sosiologis, wanita memiliki keterbatasan untuk bersosialisasi dengan orang-orang yang berada di luar rumah, terutama terhadap laki-laki yang bukan muhrimnya. Sementara dalam tinjauan ekonomis, wanita yang beriddah berhak mendapatkan nafkah dari suaminya. Ia juga berhak mendapatkan tempat tinggal yang layak. Suami berkewajiban menyelesaikan perkara mahar yang tertunda atau kewajiban lain yang berhubungan dengan ekonomi seperti biaya pemeliharaan anak, biaya selama hamil dan biaya-biaya yang dibutuhkan dalam kehidupan sehari-hari.

**Kata kunci :** *Iddah, Filosofis, Normatif, Yuridis, Psikologis, Sosiologis, Ekonomis*



## Introduction

The discussion of Iddah and reference in Islam is usually more emphasized on normative aspects only. Its coverage mainly revolves around Islamic rules that talk about the types of iddah and the length of the iddah period for a wife who has been divorced from her husband, either divorced or divorced (Kasim et al., n.d.). Differences of opinion among the jurists regarding the changing types of iddah and the merging of the two iddah for a wife who divorces her husband are also discussed in fiqh books (Burhanuddin & Sholihin, 2020). Likewise with referral, usually it only concerns legal studies and procedures for reconciliation, as well as differences of opinion of the fuqaha about the rule of law. Iddah and reference studies in a normative and juridical manner cannot be separated from legal problems, both fiqh and positive law studies (Tasdiq, 2020).

A person in the iddah period does not mean she is completely separated from her husband, who divorces her (Ria, 2018). Likewise, the husband cannot immediately free himself and his responsibility towards his wife during the 'iddah period. 'Iddah is obligatory because of a divorce imposed by a husband who is still alive or who has died who had sexual intercourse (ba'da dukhul) either by divorce or fasakh, but it is a different matter if the husband has never had intercourse (then 'iddah is not obligatory) (Kusmidi, 2018). If you have ever had khalwah, the wife is obliged to 'iddah even if it is believed that the wife is not pregnant (Fatriyani, 2020).

For women who are menstruating, if a husband is mentally ill, his wife, who previously never had menstruation, then during the period of 'iddah she menstruates, then the sacred period of the place where she started does not count as qurū' (Ria, 2018). Because it is not between two menstrual periods, one must make 'iddah three times during the holy period after menstruation (Suryani, 2017) which is connected with the sacred period of pentalaka. If a wife experiences menstruation after her 'iddah period expires, then there is no need to start her 'iddah period by calculating the qurū' (Romadoni, 2019).

There is an iddah for divorced women to know the cleanliness of the wife's womb, so there is no mixing of seeds between two men. In addition, iddah also aims to provide an opportunity for the couple to think about whether the marriage will continue with reconciliation or end it. Iddah also has wisdom as a sign of condolences for a wife whose husband has died (Kusmidi, 2018). Because of that, this iddah has a philosophical meaning in determining it normatively and juridically. Iddah is also connected with sociological, psychological, and economic studies because, in iddah, it will also discuss subsistence, clothing, and where the wife lives (Hamim, 2017).

Iddah and referral studies in normative and juridical reviews are very much needed in regulating the procedures for praying (Azzulfa & Cahya A., 2021), the length of the iddah period, and the procedures for reconciliation. Besides that, it is no less important that the issue of iddah and reconciliation is reviewed from other perspectives, such as philosophical, sociological, psychological, and economic reviews, to be more comprehensive. Therefore in this paper, there will be two objects of discussion: first, what will be discussed is iddah from a philosophical, normative, juridical, psychological, sociological, and economic perspective. The second discusses references from philosophical, normative, juridical, psychological, sociological, and economic perspectives. Thus, this paper hopes to add new knowledge to its readers.

## Literature Review

Iddah means calculation or something that is counted. In language, it means menstrual days or holy days for women. While in terms, "iddah implies a waiting period, meaning a waiting period for a woman to marry after a divorce from her husband (Achyar & Hasanah, 2019), whether divorced or divorced, to know the condition of her womb or to think for her husband.

Iddah by changing the letter 'ain and the plural 'idad. 'That means the woman (wife) counts her days and her clean period.' Iddah in religious terms is the name for the length of time a woman (wife) waits and is not allowed to marry after her husband's death or after being separated from her husband (Turatmiyah et al., 2019). This Iddah was also known during the Jahiliyyah era. They rarely leave the habit of 'iddah (Sriwulan, 2020). When Islam arrived, the custom was acknowledged and carried on because it had several good things. Its meaning in language is a count, taken from the sentence al-'adad because usually, it is a matter of months.

Sayyid Sabiq stated that the word iddah originates from adad, which means to count. This means a woman or wife counts her days and clean period. According to the Hanafi school of thought, Iddah is a period determined by the Shari'a with the end of the various effects of marriage that remain (Kasim et al., n.d.). With another like the waiting period that must be done by the wife when the marriage bond or sub is lost. Another definition put forward by iddah is the name for the length of time a woman (wife) waits and is not allowed to marry after her husband's death or after being separated from her husband.

While the definition of iddah put forward by the Jumhur Ulama is the waiting period that a woman undergoes to find out the cleanliness of her womb, to worship, or to undergo a period of mourning for the death of her husband. From some of the definitions above, it can be understood that iddah is a waiting period for a

woman who has been divorced from her husband not to marry another man. A woman's divorce from her husband can be caused by a divorce in life, such as divorce, *ila'*, *khuluk*, *zihar*, *lian*, *fasakh*, and divorce due to a court decision. Divorce can also be caused by the death of a husband, either essentially or legally (Susylawati, 2019).

Compulsory Requirements and Pillars of Iddah (Fitriani & Aziz, 2019) : a) Mandatory Requirements The obligatory conditions are the occurrence of a divorce between a man and a woman, whether the divorce is in the form of divorce *raj'i* or *talak ba'in* or *fasakh* with all the causes or abandonment after a failed marriage or sexual intercourse due to secrecy or legally. This is all after the occurrence of *iddah* according to what has been stated; b) Pillars of Iddah include things that make a woman truly while carrying out Allah's commands in praying. In the pillars of Iddah, three things include its prohibition, namely (Jamaluddin et al., 2015): 1) It is forbidden to remarry to someone other than her husband if she permits divorce *raj'i*; 2) It is forbidden to leave her residence or house except because she is forced to be in mourning and it is forbidden to decorate herself, this is in part of the kinds of *iddah* not entirely (Munim, 2020)

## Method

The method used in this research is a descriptive-analytical method, with normative juridical approach. Analytical descriptive means describing something that is the object of critical research through qualitative analysis. Because what you want to study is within the scope of legal science, the normative approach includes legal principles, systematization of laws and regulations, including efforts to find concrete law. Normative juridical research is legal research conducted by examining literature or secondary data as a basis for research by searching for regulations and literature related to the problem under study..

## Result and Discussion

### Iddah in Philosophical review

Every rule of law established by Allah in the Qur'an certainly has a deep philosophical meaning (Musyafah, 2020). Some of the meanings contained in these rules can be directly understood by human reason, some must go through deep *ijtihad*, and others may still be hidden in Allah's knowledge. In doing *ijtihad*, scholars often differ in their interpretation of the philosophical rules set by Allah. However, a *mujtahid* must find his *shari'ah* philosophy (*maqasid al-syar'i*) from these rules, including those regarding *iddah*. According to Sayyid Sabiq, the *Syariah* philosophy contained in *iddah* includes (Suryani, 2017) :

- a. With *iddah*, it can be seen that a woman's uterus is clean so that one's offspring is not mixed with another.
- b. Allow the separated husband and wife to return to their original lives if they think this is good.
- c. Upholding the issue of marriage is to gather wise people to study the problem and give them a long thinking time.
- d. The goodness of marriage cannot be realized before both husband and wife live long in their contractual bonds.

Thus *iddah* for a woman divorced from her husband is a must to ensure that the woman's womb is pure from her husband's semen when divorced (Susylawati, 2019). So there are no worries about mixing the husband's semen with the semen of other men. If the semen that was in the wife's womb before the divorce resulted in pregnancy (Achyar & Hasanah, 2019), then the child's lineage in the womb also becomes evident, namely the child of her previous husband. Meanwhile, if there is no time interval to make the pilgrimage after a divorce, there will be doubts about who the child's father will be born in the future (Fatriyani, 2020).

### Iddah in Normative Review

In a normative view, the rules regarding *iddah* are regulated in the texts of the Qur'an and Hadith, as will be explained based on the types of *iddah* for divorced women (Iskandar & Zaeni, 2022). The types of *iddah*, in general, are as follows: (Jamhuri & Juliara, 2017)

1. Pregnant Iddah, the legal basis is *surah ath-Thalaq* verse: 4

Moreover, for pregnant women, their *iddah* period is until they give birth to their wombs. Moreover, whoever fears Allah, Allah will make it easy for him in his affair.

All Muslim scholars agree that a pregnant woman's *iddah* is until she gives birth to her baby. They differ in opinion about women who miscarry during their *iddah*. Hanafi, Syafi'i, and Hambali stated that the woman was considered not to have left her *iddah* when her womb was separated. While Imamiyah and Maliki say that the woman has come out of her *iddah*, even if what comes out of her womb is only a tiny piece of flesh, as long as that piece is a human embryo..

2. The Iddah of a woman whose husband dies, the legal basis for this is surah al-Baqarah verse 234: (Burhanuddin & Sholihin, 2020)

Those who die among you leaving their wives (let the wives) suspend themselves (iddah) for four months and ten days. When the 'iddah has expired, then there is no sin for you (the saints); let them do to themselves according to what is appropriate. Allah knows what you do..

From the 9<sup>th</sup> verse above, it is clear that the iddah for a woman (Nimah, 2013) whose husband has died is normatively four months and ten days from the date of death (Al Amin, 2016). There is no difference of opinion among religious scholars regarding whether the woman is an adult or a child, at menopause or not, and whether she has been interfered with. There was a difference of opinion between them regarding the woman whose husband died while she was pregnant. Jumahur Fuqaha and all the fuqaha of Amsar (big countries) think that a pregnant woman whose husband dies is until she gives birth to her baby, even if only a few moments after her husband dies. She was allowed to remarry after her pregnancy (Jamaluddin et al., 2015). even if the husband's body had not been buried.

In contrast to the opinion above, Imam Malik narrated from Ibn Abbas Ra. that the iddah of a pregnant woman whose husband dies is the last of the two iddah. The meaning is that he prays with the longest iddah. It could be the iddah of the womb, and it could be the death. Ali bin Abu Talib Ra also narrated this opinion. This opinion is in line with the opinion of the Imamiyah..

3. Iddah of Menstruating Women, Based on the word of God in surah al- Baqarah: 228

The women who are divorced should hold back (wait) three times quru'. they should not hide what Allah created in their wombs if they believe in Allah and the Hereafter.

4. Iddah of Women Who Do Not Get Menstruation

basis :

And women who are no longer menstruating (menopausal) among your women if you are in doubt (about their iddah period), then their iddah period is three months; and so (also) women who do not menstruate.

5. Iddah of women who have not been mixed

O you who believe, if you marry believing women, then you divorce them before you interfere with them. So give them mut'ah and release them in the best way possible.

Thus, normatively, the rules for iddah for women who have been divorced from their husbands, whether divorced by death or life, are very clear in the Qur'an and Fiqh (Asari et al., 2017). Iddah A pregnant woman until she delivers her womb (Jamhuri & Juliara, 2017). Iddah whose husband died for four months and ten days. Iddah Women who menstruate three times quru'. Iddah is A woman who has not menstruated for three months. Iddah A woman who has never been interfered with has no iddah (Ali et al., 2021).

### Iddah in a Juridical perspective

Iddah in juridical review is regulated in the Compilation of Islamic Law articles 149 to 155., as explained below (Fitriani & Aziz, 2019). Article 149: If a marriage is broken up due to divorce, the ex-husband is obliged to (Munim, 2020):

- a. giving a proper mut'ah to his ex-wife, either in the form of money or goods, unless the ex-wife is qobla al dukhul;
- b. provide maintenance, food, and kiswah to the ex-wife during iddah, unless the ex-wife has been divorced bain or nusyuz and is not pregnant;
- c. pay off the dowry that is still owed in total and half of qobla al dukhul;
- d. provide hadhanah costs for their children who have not reached the age of 21 years

**Article 150:** The ex-husband has the right to perform ruju` on his ex-wife, who is still in iddah.

**Article 151:** The ex-wife, while in iddah, must take care of herself, not accept betrothal and not marry another man.

**Article 152:** The ex-wife has the right to receive iddah maintenance from her ex-husband, except he nusyuz.

**Article 153:** Waiting Period (Iddah)(Fitriani & Aziz, 2019):

1. A waiting period or iddah applies for a wife whose marriage has broken up, except for qobla al dukhul, and her marriage is broken up not because of her husband's death.
2. The waiting time for a widow is determined as follows:
  - a. If the marriage is broken up due to death, even though it is qabla al dukhul, the waiting time is set at 130 (one hundred and thirty) days
  - b. If the marriage is broken up due to death, even though it is qabla al dukhul, the waiting time is set at 130 (one hundred and thirty) days;
  - c. If the marriage is broken up due to death, even though it is qabla al dukhul, the waiting time is set at 130 (one hundred and thirty) days;
  - d. If the marriage is broken up due to death while the widow is pregnant, the waiting time is determined until she gives birth.
3. If the marriage is broken up due to death while the widow is pregnant, the waiting time is determined until she gives birth.
4. For marriages that break up due to divorce, the waiting period is calculated from the date of its fall; the decision of the Religious Courts has permanent legal force, while for marriages that are broken up due to death, the waiting period is calculated from the husband's death
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**Article 154:** If the wife divorces Raj'i, then within the iddah period, as stated referred to in paragraph (2) letter b, paragraph (5), and paragraph (6) of Article 153, resides her husband dies, her iddah becomes four months and ten days counted from the death of her ex-husband.

**Article 155:** The iddah period for a widow whose marriage is broken up due to khuluk, fasakh, and l'an apply to iddah divorce.

#### **Iddah in Psychological Review**

Psychologically, the Iddah period for a woman divorced by her husband(Asari et al., 2017) who is still in talak raj'i provides an opportunity for her husband to rethink the good things he and his wife have experienced. After his mind calmed down, he could return to his wife. In other words, the iddah period is 12 months for the husband to calm down and calmly introspect himself, whether the marriage must be maintained to protect the psychology of the husband and wife and the psychology of the children or must be dissolved. During the iddah period, the impact that arises if the marriage is maintained as well as the impact that arises if the marriage is dissolved.

This iddah period is also an opportunity for husband and wife to realize the mistakes made by each other and find solutions to disputes that occur(Hikmatiar, 2016). It is hoped that this marriage can be established as before and that affection can be regenerated(Turatmiyah et al., 2019). On the other hand, if the impact is more significant because of maintaining the integrity of the family, then it is at this time of iddah that the strength of the heart is determined to separate. So if there is a psychological separation, each husband and wife will be better prepared, including the psychological readiness of their children.

Meanwhile, Iddah, a woman whose husband has died, expresses sadness, condolences, and grief and shows affection for her husband. This period of iddah is also a period of preparing the wife psychologically to consider whether she should live alone or is willing to return to building a household with another man.

Article 150 KHI also explains that during this iddah period, the ex-husband has the right to perform ruju' on his ex-wife, who is still in iddah. In other words, during the wife's iddah period, the husband is given time to feel whether he is psychologically tormented by the divorce or is happier. If he feels happier, he is psychologically ready to part with his wife forever. However, if he feels tremendous torment because of the divorce(Hayati, 2018), he must prepare himself mentally to rebuild the household with his wife.

#### **Iddah in Sociological Review**

In carrying out their social relations, women who are in iddah are regulated by norms. Wives in iddah are prohibited from having extensive social relations until the end of their iddah period (Ali et al., 2021). Most of the jurists forbid women who are in iddah from leaving the house. This is based on the word of Allah in surah at-thalak verse 1:

O Prophet, if you divorce your wives, you should divorce them when they can (face) their (reasonable) iddah and calculate the iddah period and fear Allah your Lord. Please do not take them out of their homes and do not let them (allowed) go out unless they have committed a clear abomination.

The Hanafi group thinks that women who have been talaq raj'i or ba'in cannot leave their homes day or night, while women who have died of their husbands may go out during the day and part of the night but they cannot spend the night at other people's homes (Kasim et al., n.d.). There is nothing wrong if she goes out during the day to fulfill her various needs, and she needs to go out during the day to make a living because she no longer gets a living from her husband, who has passed away (Azwir et al., 2022). All of this is in a condition of choice; while in an emergency, every woman undergoing her iddah period may leave the house.

The Maliki and Hanbali schools allow women undergoing their iddah period to go out for an emergency or for some other reason. They also allow women undergoing their iddah period to go out during the day to fulfill their needs, regardless of whether they are divorced or left to die (Asari et al., 2017). This rule is in line with the iddah rule in fiqh studies which prohibits iddah women from being proposed to and married. As for women whose husbands have died, they may ask for a hand in satire, as explained in the Qur'an Surah Al-Baqarah verse 235:

And there is no sin for you to propose to these women with innuendo or hide (the desire to marry them) in your heart. Allah knows that you will mention them; in the meantime, do not make marriage vows with them in secret, except just saying (to them) ma'ruf words. and do not be determined to marry before the end of the iddah. Moreover, know that Allah knows what is in your heart; So fear Him, and know that Allah is Most Forgiving, Most Forbearing.

### Iddah in Economic Review

Fuqaha have agreed that a wife who prays because of a raj'i divorce get a living and a place to live (Sabri et al., 2019). Likewise, women who are pregnant, this is by the word of Allah in surah at-thalak verse 6:

Place them (wives) where you live according to your ability, and do not trouble them to constrict their (hearts). Moreover, if they (wives who have been talaq) are pregnant, then give them their living until they give birth, then if they breastfeed your (children), you give them their wages and negotiate between you (everything) well. If you encounter difficulties, another woman may breastfeed (the child) for her.

From an economic view (Fatriyani, 2020), the wife who is in iddah has the right to get a living and a place to live prepared by the husband with the following details :

1. If he is thalak raj'i, he must provide maintenance with different types of food, clothing, and shelter. According to the agreement of the fuqaha, women who experience this iddah period are considered wives while in the iddah period.
2. If she is pregnant during the iddah thalak ba'in period, she must provide maintenance from her husband. The Hanbali school does not oblige a living for him. According to the Maliki and Shafi'i schools, it is only obligatory for him to live only.
3. If his wife is undergoing the iddah period because of death, she is not entitled to receive maintenance. However, the Maliki school of thought requires a place to live for her during the iddah period if the husband owns the place of residence.
4. If he is undergoing the iddah period as a result of a marriage that is broken or contains doubts, then there is no maintenance for him, in the opinion of the jumhur fuqaha.

In Indonesia, the relationship between iddah and the economy is regulated in positive law, namely the *Compilation of Islamic Law*, which contains (Fitriani & Aziz, 2019) :

Article 149: a marriage is broken up due to divorce, the ex-husband is obliged to (Tasdiq, 2020):

1. Giving a proper mut'ah to his ex-wife, either in the form of money or goods, unless the ex-wife is qobla al dukhul;

2. Provide maintenance, food, and kiswah to the ex-wife during iddah, unless the ex-wife has been divorced batin or nusyuz and is not pregnant;
3. Pay off the dowry that is still owed in total and half of qobla al dukhul;
4. Provide hadhanah costs for their children who have not reached the age of 21.

**Article 152:** The ex-wife has the right to receive iddah from her ex-husband unless she is nusyuz.

Thus, the obligation of a wife to make a pilgrimage has a close relationship with economic problems. The husband is obliged to support his wife while in iddah. This shows that the husband protects his wife's economy after the divorce. So one of the maqasid al-syar'i of iddah related to economics is to ease the economic burden of a divorced wife (Romadoni, 2019). As you can imagine, if there is no iddah, then the wife will directly bear the economic burden. This condition will aggravate the condition of the wife. She had to lose her husband, who was supposed to protect her, and suddenly lost her economic resources. However, with the existence of iddah, the wife is given time to think about her economic problems without having to try to leave the house to look for work immediately.

## CONCLUSION

Iddah is not only a normative and juridical issue. Iddah is also related to other aspects of life, such as psychological, sociological, economic, and philosophical. The philosophical meaning contained in iddah is to see the cleanliness of a wife's womb so that there is no mixing of seeds between two people. This aims to clarify the lineage of a child. Normatively and juridically, iddah has been regulated in the Qur'an, Hadith, and the Compilation of Islamic Law.

Psychologically, the iddah period is given time for the husband to think about his household, whether it will be disbanded forever, or rebuilt by preparing a stronger mentality to build a better household. Sociologically, women who pray have limitations in socializing with people who are outside the home, especially with men who are not muhrim. Meanwhile, in an economic study, a woman who prays has the right to earn a living from her husband. He is also entitled to a decent place to live. The husband is obliged to settle pending dowry cases or other obligations related to the economy such as childcare costs, expenses during pregnancy, and expenses needed in daily life.

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