DIPONEGORO
Law Review

Vol. 11, No. 1, April 2026 E-ISSN: 2527-4031
Available online at website: https://ejournal.undip.ac.id/index.php/dlr

IDDAH PERIOD DETERMINATION FOR PRE-MENOPAUSAL WOMEN: FROM THE PERSPECTIVE OF CONTEMPORARY ISLAMIC FAMILY LAW

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Abstract

Within the Islamic family law, the iddah period aims to maintain lineage certainty, protect women's honour, and provide a transition period after a marriage ends. However, the Compilation of Islamic Law prescribes a fixed one-year iddah period for pre-menopausal women – a provision that has prompted debate regarding its potential social and gender justice implications. This condition raises questions about its relevance, rationale, and conformity with the principle of benefit (maslahah). This research aims to analyse the nature of the iddah period for divorced women, examine the determination of the one-year iddah period for pre-menopausal women, and formulate an ideal iddah duration from an Islamic family law perspective. Adopting a doctrinal legal methodology, this research employed statutory, conceptual, and comparative approaches, supported by literature studies on classical fiqh, maqashid al-syariah theory, and contemporary Islamic law developments. The results indicate that the primary essence of iddah for divorced women is oriented toward protecting lineage and benefit based on concrete biological indicators. Furthermore, the determination of a one-year iddah period for pre-menopausal women becomes an institutional ijtihad construction that is not entirely aligned with classical fiqh patterns or comparative practices, thus raising issues of proportionality and justice. Consequently, the ideal iddah period for pre-menopausal women should be based on medically verifiable physiological conditions. This adjustment would ensure better alignment with the principles of benefit and the protection of women's rights (maslahah) in modern legal practice.

Keywords: *Iddah Period; Pre-Menopausal Women; Compilation of Islamic Law; Islamic Family Law; Comparative Law.*

Received: 11 October 2025; Revised: 24 April 2026; Accepted: 25 April 2026; Available online: 30 April 2026; Published: 30 April 2026.

How to Cite: Radindi, Nginggar Ajeng, Annalisa Yahanan, Nunung Rodliyah, and Mas Nooraini. "Iddah Period Determination for Pre-Menopausal Women: From the Perspective of Contemporary Islamic Family Law." *Diponegoro Law Review* 11, no. 1 (2026): 111–39. https://doi.org/10.14710/dilrev.11.1.2026.111-139.

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1. Introduction

Within Islamic legal doctrine, marriage extends beyond a purely personal or religious relationship; it functions as a legal institution that establishes distinct rights and obligations for husband and wife.[1] Therefore, the dissolution of a marriage – whether through divorce or death – carries significant legal consequences, particularly for women.[2] One of the most fundamental legal consequences is the obligation to undergo the *iddah* (waiting) period, which is mandatorily

[1] Amir Syarifuddin, *Hukum Perkawinan Islam Di Indonesia Antara Fiqh Munakahat Dan Undang-Undang Perkawinan* (Jakarta: Kencana, 2007).
[2] Fathima Sherin Ottakkam Thodukayil, Udhayakumar Palaniswamy, and Aswathy Kunjumon, "The Causes of Divorce and Its Effects on Women: A Systematic Review," *Marriage & Family Review* 62, no. 2 (2026): 59–94, https://doi.org/10.1080/01494929.2025.2484781.

upon a woman following the end of a marriage.[3] Normatively, the *iddah* period functions to maintain certainty of lineage *(hifz al-nasl)* by preventing the mixing of lineages, while also providing a legal and social transition period for women after divorce or the death of their husband.[4] Moreover, in the construction of Islamic family law, the *iddah* period is also understood as an instrument for protecting legal and moral order. Therefore, the *iddah* period has long been recognised as an integral component of Islamic family law.[5]

In the Indonesian legal system, provision governing the *iddah* period is codified in the Compilation of Islamic Law (KHI), which serves as the primary reference for Islamic family law decision-making.[6] Article 153 of the Compilation of Islamic Law regulates various categories of *iddah* periods based on a woman's reproductive condition, including pregnancy, menstruation, and menopause.[7]

Article 153 of the Compilation of Islamic Law states:

"1. A waiting period or *iddah* applies to a wife whose marriage ends, except for *qobla al-dukhul* and the marriage ends not because of the husband's death.
2. The waiting time for a widow is determined as follows:
   a. If the marriage is dissolved due to death, even though *qobla al-dukhul*, the *iddah* period is fixed at 130 (one hundred and thirty) days;
   b. If the marriage is broken up due to divorce, the waiting time for those who are still menstruating is fixed at 3 (three) purity cycles *(quhr),* lasting at least 90 (ninety) days, and for those who are not menstruating, it is fixed at 90 (ninety) days;
   c. If the marriage breaks up due to divorce and the widow is pregnant, the waiting period lasts until delivery;
3. If the marriage is dissolved due to death and the widow is pregnant, the waiting period is determined until delivery. There is no waiting period for those whose marriage ends due to divorce, between the widow and her ex-husband *qobla al-dukhul.*
4. For marriages that end due to divorce, the waiting period is calculated from the date of the Religious Court's decision – which has permanent legal force, while for marriages that end due to death, the waiting period is calculated from the date of the husband's death.
5. The waiting time for wives who have menstruated and who is not menstruating while undergoing *iddah* due to breastfeeding, then the *iddah* period is three times during menstruation.
6. If the situation in paragraph (5) is not due to breastfeeding, then the *iddah* is for one year, however, if within one year she menstruates again, then the *iddah* becomes three holy times."

Based on Article 153 (1) to (5) of the Compilation of Islamic Law, it can be generally understood that the regulation of the *iddah* period is based on biological conditions and the reasons for the dissolution of the marriage. [8] Paragraph 1 establishes the obligation of *iddah* as a

[3] Bariah, Oyoh, and Ferianto Ferianto, "Legal Implications Of Marriage During The Iddah Period: Analytical Study Of The Opinions Of Fiqh Scholars," *International Journal Ihya Ulum Al-Din* 26, no. 1 (2024): 10–22, https://doi.org/10.21580/ihya.26.1.20519.

[4] Allisa Luthfia, "Apa Itu Masa Iddah? Berikut Ketentuan Dan Hikmahnya Dalam Islam," *Antara News*, February 27, 2025, https://www.antaranews.com/berita/4678277/apa-itu-masa-iddah-berikut-ketentuan-dan-hikmahnya-dalam-islam.

[5] Syamsul Hilal and Sumper Mulia Harahap, "Iddah in the View of Islam and Feminists," *Al-'Adalah* 18, no. 2 (2021): 213–32, https://doi.org/10.24042/adalah.v18i2.8515.

[6] Fuady Abdullah, Nova Anggraini Putri, and Youssof Salhein, "Revisiting 'Iddah: A Critical Analysis of Gender Equality in Indonesian Feminist Islamic Legal Discourse," *Juris: Jurnal Ilmiah Syariah* 22, no. 2 (2023): 275–90, https://doi.org/10.31958/juris.v22i2.10320.

[7] Diana Farid et al., "Harmonizing the Iddah Period for Women Divorced Outside the Court According to KHI and Fiqh Law," *Justisi* 10, no. 1 (2024): 55–67, https://doi.org/10.33506/jurnaljustisi.v10i1.2455.

[8] Diyan Putri Ayu, Elfi Mu'awanah, and Ngainun Naim, "Legal Implications of Husband's Marriage During the 'Iddah Period (Legal Status and Legal Consequences)," *Proceeding of International Converence on Education, Society and Humanity* 2, no. 2 (2024): 2338–51, https://ejournal.unuja.ac.id/index.php/icesh/article/view/10501.

common principle except *qobla al-dukhul* in divorce. *Qobla al-dukhul* is a term used in Islamic marriage law which refers to a situation where a marriage is legally valid, but there has not been husband-wife cohabitation. In such a situation, if the marriage ends due to divorce, the wife is not obliged to undergo the *iddah* period. Paragraph 2 details the duration of *iddah* period based on death, divorce, menstruation, without menstruation, and pregnancy – indicating a physiological approach as the main basis. Paragraph 3 confirms that where a divorce occurs before consummation, no *iddah* is required, as the possibility of pregnancy is excluded. Paragraph 4 provides legal certainty regarding the starting point for calculating *iddah* period. Meanwhile, Paragraph 5 explains if a wife has menstruated but does not experience menstruation during the *iddah* period because she is breastfeeding, then her *iddah* period is still associated with three menstrual cycles. This provision shows that the law still continues to treat the menstrual cycle as the main indicator, even when temporary, natural preclusions occur. Taken together, Paragraphs 1 to 5 demonstrate the consistency of the approach based on physiological reality and protection of lineage. [9]

In contrast to paragraphs 1 to 5, Article 153 paragraph 6 stipulates a fixed duration of one year for women who do not menstruate not because of breastfeeding. This provision is intended to address biological uncertainty, particularly in women entering pre-menopause. However, the establishment of such numerical time periods indicates a shift from a physiological approach towards specific durations. In the modern medical science development context, these biological conditions may basically be identified more accurately through medical examinations – such as ultrasound (USG) and hormonal tests, so that the assumption of uncertainty underlying the determination of one-year period deserves to be critically re-analysed from the perspective of contemporary Islamic family law.

Article 153 paragraph 6 of the Compilation of Islamic Law regarding the one-year *iddah* period refers to the result of the idea of the Compilation of Islamic Law Drafting Team within the framework of the policy of the Indonesian Minister of Religion when forming the Compilation of Islamic Law – indicating as an institutional *ijtihad*, not the opinion of certain classical *fiqh* scholars. These regulations constitute a construction of Indonesian Islamic law that is open to analysis and evaluation both normatively and contextually.[10]

However, before assessing the accuracy of the legal categorisation in Article 153 paragraph 6 of the Compilation of Islamic Law, a precise conceptual understanding must be drawn between the biological conditions underlying this regulation – especially the difference between pre-menopause and menopause. This clarification is important to ensure that normative analysis is not separated from the physiological reality – which becomes the basis purpose of the *iddah* period itself.

Examining these conditions from a non-juridical standpoint requires a multidisciplinary framework that synthesises medical science (specifically obstetrics and gynaecology), psychology, and sociology. Such an approach provides a more accurate understanding of the biological and social characteristics of both conditions. Serving as an important basis for assessing the relevance and proportionality of legal regulations related to the *iddah* period. To clarify these differences systematically, Table 1 below presents a comparison of pre-menopause and menopause characteristics based on medical, psychological, and sociological approaches.

[9] Imran Ahsan Khan Nyazee, *Islamic Jurisprudence* (Petaling Jaya: The Other Press Sdn Bhd, 2019).

[10] Anna Muwaffika et al., "KHI: Upaya Transformasi Hukum Keluarga Islam Kedalam Sistem Hukum Nasional," *AL-WAQFU: Jurnal Hukum Ekonomi Dan Wakaf* 3, no. 1 (2025): 1–17, https://jurnal.alwaqfu.or.id/index.php/alwaqfu/article/view/306.

Table 1.
Differences Between Pre-Menopause and Menopause

Aspects	Pre-Menopause	Menopause
Medical Definition	The transition phase before menopause characterised by hormonal fluctuations and irregular menstrual cycles	A permanent biological condition that is established after no menstruation for 12 consecutive months
Menstrual Status	Still occurs, but not regularly	Has been permanently stopped
Possibility of Pregnancy	It is still possible because ovulation can occur irregularly	Naturally it is no longer possible to occur
Hormonal Characteristics	Gradual and fluctuating decline in oestrogen and progesterone in the plural system	Stable oestrogen declines at low levels
Psychological Aspects	May be accompanied by mood swings, anxiety, or emotional instability due to hormonal fluctuations	Psychological adaptation to the post-reproductive phase; generally, more stable than the transition phase
Sociological Aspects	Perceived as a transitional phase towards the end of the reproductive period	Being comprehended as the end of the reproductive period and a change in certain social roles in some societies

Source: Adapted from O'Reilly et al., 2023

As presented in Table 1, pre-menopause and menopause are two conditions that are fundamentally different biologically, psychologically, and sociologically. Pre-menopause is transitional and still leaves open the possibility of pregnancy, while menopause is a definitive biological condition that marks the natural end of reproductive capacity. This difference indicates that equating the two into one normative category has the potential to ignore the complexity of women's biological conditions. It is within this context that a sensitive legal approach – attentive to variations in individual circumstances – becomes particularly relevant. [11]

The provision regarding the one-year *iddah* period for pre-menopausal women raises critical legal questions.[12] Normatively, this differs from the classical *fiqh* approach, which does not recognise a specific fixed duration for women in the transition phase towards menopause beyond the general categories of menstruating or non-menstruating women.[13] In contrast, classical jurists' emphasised physiological conditions and evidentiary considerations rather than rigid temporal standards. Consequently, the Indonesian regulations represent a significant codification option and merit further scrutiny, particularly in light of contemporary developments in Islamic family law across jurisdictions, as well as advances in medical science and information technology that allow for more accurate and rapid verification of biological conditions.[14]

From a comparative perspective, regulations in Indonesia appear increasingly anomalous. Many Muslim-majority and Muslim-minority countries with their codified Islamic family laws have adopted *iddah* regulations that emphasise biological conditions, judicial discretion, or medical

[11] Kate O'Reilly et al., "An Exploration of Women's Knowledge and Experience of Perimenopause and Menopause: An Integrative Literature Review," *Journal of Clinical Nursing* 32, (2023): 4528–40, https://doi.org/10.1111/jocn.16568.

[12] Ela Yuliantari and Zainal Azwar, "Reformulating the Concept of Ihdad in the Contemporary Era: A Review of the Concept of Ihdad According to Jurisprudence Scholars," *Al-Rasīkh: Jurnal Hukum Islam* 14, no. 1 (2025): 82–97, https://doi.org/10.38073/rasikh.v14i1.2536.

[13] Tobias Scheunchen, "From Body to Substance: Islamic Menstruation Laws in the Shadow of Late Antiquity?," *Islamic Law and Society* 32, (2025): 1–42, https://doi.org/10.1163/15685195-bja10062.

[14] Arskal Salim, *Contemporary Islamic Law in Indonesia: Sharia and Legal Pluralism* (Edinburgh: Edinburgh University Press, 2015).

verification, rather than imposing a fixed and prolonged waiting period.[15] Jurisdictions such as Malaysia, Brunei Darussalam, Singapore, Pakistan, and several countries in the Middle East do not generally impose a one-year *iddah* period for women who do not menstruate. Their regulations and judicial practices tend to follow classical Islamic jurisprudence principles, specifically Surah At-Talaq, verse 4 – which stipulates a three-month *iddah* period for women who are no longer menstruating or have not menstruated. The approach taken is not to set a one-year duration, but rather to follow the normative framework established in Islamic jurisprudence.[16] Meanwhile, Article 153 paragraph 6 of the Compilation of Islamic Law stipulates a duration of one-year in similar situations – indicating a shift from the usual regulatory pattern in classical *fiqh*. This difference raises the question of whether Article 153 paragraph 6 of the Compilation of Islamic Law reflects a necessary contextual adaptation or, conversely, constitutes a normative deviation from the broader view of Islamic family law.[17]

The development of contemporary Islamic family law shows a tendency towards reform that strives to maintain continuity with classical *fiqh* and at the same time, responds to modern social, medical, and institutional changes. The codification of family law in various Muslim countries no longer merely reproduces the opinions of the schools of thought textually; rather, it reflects a process of institutional *ijtihad* by considering the principles of *maqashid al-syariah,* protection of rights, and the advancement of science. Within this framework, normative flexibility, proportionality, and evidence-based verification become the important characteristics of the contemporary Islamic legal approach. Consequently, any statutory codification ideally remains grounded in biological rationality and the purpose of protection that form the foundational of the *iddah* period itself.[18]

Beyond doctrinal and comparative considerations, this provision also raises critical reflections from a human-centred legal perspective.[19] Women in the pre-menopausal period often experience significant physiological and psychological changes, including emotional vulnerability, anxiety, and identity-related challenges.[20] Prolonged and rigid implementation of the *iddah* period can exacerbate such conditions by increasing social restrictions, reinforcing stigma, and delaying post-divorce recovery. Even though Islamic family law aims to protect dignity and well-being, regulations that disproportionately burden women during the sensitive transition phase risk undermining these goals.

Despite having broad implications, critical studies of Article 153 paragraph 6 of the Compilation of Islamic Law are still limited in Indonesian law.[21] Existing studies on the *iddah* period mostly focus on doctrinal explanations, normative justifications, or general comparisons between Islamic law and national law, without specifically questioning the uniqueness and

[15] Andrea Büchler, and Christina Schlatter, "Marriage Age in Islamic and Contemporary Muslim Family Laws. A Comparative Survey," *Electronic Journal of Islamic and Middle Eastern Law (EJIMEL)* 1, no. 2 (2013): 37–74, https://doi.org/10.5167/uzh-78204.

[16] Ansari and Meena, "A Comparative Study of Reproductive Law: An Analysis of Saudi Arabia, Iraq, and Malaysia," *Dalhousie J. Legal Stud* 29, (2020), https://digitalcommons.schulichlaw.dal.ca/djls/vol29/iss1/20/.

[17] M. Doni and Silfia Hanani, "The Compilation of Islamic Law as a Socio-Digital Product in the Reform of Islamic Law in Indonesia," *Hakamain: Journal of Sharia and Law Studies* 4, no. 1 (2025): 14–25, https://doi.org/10.57255/hakamain.v4i1.1335.

[18] Ahmad Tholabi Kharlie, Asep Syarifuddin Hidayat, and Muhammad Hafiz, *Kodifikasi Hukum Keluarga Islam Kontemporer: Pembaruan, Pendekatan, Dan Elastisitas Penerapan Hukum* (Jakarta: Kencana, 2020).

[19] Margaret Hagan, "Legal Design as a Thing: A Theory of Change and a Set of Methods to Craft a Human-Centered Legal System," *Design Issues* 36, no. 3 (2020): 3–15, https://doi.org/10.1162/desi_a_00600.

[20] M. E. Bleil et al., "Psychological Stress and Reproductive Aging Among Pre-Menopausal Women," *Human Reproduction* 27, no. 9 (2012): 2720–28, https://doi.org/10.1093/humrep/des214.

[21] Asep Saepullah et al., "A Contemporary Socio-Legal Evaluation of Indonesia's Post-Reformation Child Marriage Policies," *MILRev: Metro Islamic Law Review* 4, no. 2 (2025): 1393–1426, https://doi.org/10.32332/milrev.v4i2.10322.

proportionality of the one-year *iddah* period provision for pre-menopausal women.[22] Moreover, the psychological implications of such regulations remain under-explored in legal discourse, so that it results in an analytical gap between normative regulations and lived experience.[23]

The uniqueness of this study lies in its integrative approach. Rather than treating the *iddah* period solely as a doctrinal or procedural issue, this paper combines normative legal analysis, comparative law, and psychological considerations to evaluate the proportionality and fairness of existing regulations.[24] This approach allows for a more comprehensive understanding of the *iddah* period as both a legal obligation and a lived experience – thus it is contributing to the development of a more contextual and equitable framework for Islamic family law.[25]

The present study seeks to address three research questions. Firstly, what is the legal nature of the *iddah* period for divorced women? Secondly, how is the one-year *iddah* period determined for pre-menopausal women? Thirdly, what constitutes an appropriate legal framework for regulating the *iddah* period for pre-menopausal women?

This article addressed a significant gap by critically examining the regulation of the *iddah* period for pre-menopausal women based on Article 153 paragraph 6 of the Compilation of Islamic Law.[26] Specifically, it evaluates whether this provision is in line with classical Islamic jurisprudence, contemporary Islamic family law practice, and the objectives *(maqashid)* of Islamic law.[27] Using a comparative legal approach, this paper places Indonesian regulations within a broader transnational context, highlights similarities, differences, and patterns across Muslim jurisdictions.[28] in doing so, it identifies Indonesia's position as a normative exception and explores the implications of that status.

Therefore, this article seeks to critically re-examine and reformulate the one-year *iddah* period for pre-menopausal women to propose a legal construction that is more proportional, responsive, and oriented towards the value of justice.

2. Method

This study uses doctrinal legal research, which focuses on the analysis of legal norms, principles, and doctrines that regulate the *iddah* period in Islamic family law.[29] The doctrinal legal research, with its central issue concerning the evaluation and reformulation of legal norms, namely Article 153 paragraph 6 of the Compilation of Islamic Law or KHI which stipulates the

[22] Shofiatul Jannah and Dwi Hidayatul Firdaus, "Reformulation of the Concept of Iddah in The Compilation of Islamic Law Perspective of Negotiative Hermeneutics," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 2 (2023): 286–300, https://doi.org/10.18860/j-fsh.v15i2.21065.

[23] Asad Ullah Khan et al., "Social Norms and Legal Compliance: Understanding the Psychological Factors Influencing Adherence to Laws in Educational Settings," *Bulletin of Business and Economics* 13, no. 3 (2024): 326–32, https://bbejournal.com/index.php/BBE/article/view/1002/.

[24] Nur Fadhilah, Ahmad Musonnif, and Indri Hadisiswati, "Regulating Arbitrary Divorce in Islamic Family Law : A Maqāṣid Al-Sharīʿah–Based Comparative Analysis of Muslim-Majority Legal Systems," *Al-Hukama': The Indonesian Journal of Islamic Family Law* 15, no. 2 (2025): 150–75, https://jurnalfsh.uinsa.ac.id/index.php/alhukuma/article/view/2755.

[25] Maya Aufa, Nurul Ma'rifah, and Ma'zumi Ma'zumi, "The Transformation of Iddah Law: Towards Gender Equality and Family Justice in Islamic Society," *Al-Kharaj: Journal of Islamic Economic and Business* 8, no. 1 (2026): 497–507, https://ejournal.iainpalopo.ac.id/index.php/alkharaj/article/view/9324.

[26] Nuzulia Febri Hidayati, "Konstruksi 'iddah Dan Ihdad Dalam Kompilasi Hukum Islam (KHI)," *MISYKAT: Jurnal Ilmu-Ilmu Al-Quran Hadits Syari'ah Dan Tarbiyah* 4, no. 1 (2019): 163–89, https://pps.iiq.ac.id/jurnal/index.php/misykat/article/view/2250.

[27] Abdul Majid, "Islamic Legal Reform Based on Maqāṣid Syarī'Ah: A Study of Al-Ghazālī's Thoughts and Its Relevance in the Context of Indonesian Family Law," *USRAH: Jurnal Hukum Keluarga Islam* 6, no. 4 (2025): 1–11, https://doi.org/10.46773/usrah.v6i4.2195.

[28] Wawan Hermawan et al., "Implementing Islamic Law in Diaspora Naturalization: A Middle East, Southeast Asia, and West," *Ahkam: Jurnal Ilmu Syariah* 25, no. 1 (2025): 71–86, https://doi.org/10.15408/ajis.v25i1.41465.

[29] Nanda Dwi Rizkia and Hardi Fardiansyah, *Metode Penelitian Hukum (Normatif Dan Empiris)* (Bandung: Widina Media Utama, 2023).

iddah period for one year, does not involve an examination of empirical behaviour or statistical data. [30]

This research adopts three main approaches: a statute approach, a comparative approach, and a conceptual approach. [31] The statute approach is employed to examine the regulation of the *iddah* period in Indonesian Islamic family law, focusing particularly on Article 153 of the Compilation of Islamic Law and its position within the broader framework of marriage and divorce regulations. This approach allows research to assess the normative construction, legal coherence, and internal consistency of the provisions governing the *iddah* period for pre-menopausal women. [32] Meanwhile, the comparative approach is used to analyse how the *iddah* period for women in comparable physiological conditions is regulated in Muslim-majority and other Muslim-minority jurisdictions.[33] The selected jurisdictions include countries in Southeast Asia, South Asia, and the Middle East that have codified Islamic family law or officially recognised it within their legal systems.[34] Through this comparative analysis, this study identifies patterns, similarities, and differences in *iddah* period regulations, thereby situating Indonesian regulations within a broader transnational context. Furthermore, this approach also allows for the identification of Indonesia as a normative exception in establishing a fixed *iddah* period of one year for pre-menopausal women. The conceptual approach is used to examine the fundamental concepts and principles relevant to the regulation of the *iddah* period, including proportionality, legal certainty, and the objectives *(maqashid)* of Islamic family law.[35] This approach draws on classical Islamic jurisprudence *(fiqh),* contemporary legal theory, and scholarly interpretation to evaluate whether existing regulations align with the fundamental objectives of Islamic law, particularly the protection of the dignity, welfare, and justice of women.[36]

The used legal materials in this research consist of primary, secondary, and tertiary legal materials.[37] Primary legal material includes statutory regulations and official legal texts, such as the Compilation of Islamic Law and Islamic family law statutes from specific jurisdictions. Secondary legal materials consist of scholarly books, peer-reviewed journal articles, dissertations, authoritative commentaries on Islamic family law, the *iddah* period, and comparative legal studies. Tertiary legal materials include legal dictionaries, encyclopaedias, and other reference works that support conceptual clarification.[38] The analysis of legal material is conducted qualitatively through several stages. First, relevant legal norms are identified and systematically interpreted by using grammatical, systematic, and teleological interpretations.[39] Second, a comparative analysis is conducted to evaluate the similarities and differences between Indonesian regulations and those of other jurisdictions. Third, critical evaluation is implemented to assess the proportionality, coherence, and normative justification of Article 153 paragraph 6 of the Compilation of Islamic Law.[40] Based on the findings of the analysis, a prescriptive normative

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30 Irwansyah Irwansyah, *Penelitian Hukum Pilihan Metode & Praktik Penulisan Artikel* (Yogyakarta: Mirra Buana Media, 2021).

31 Sholahuddin Al-Fatih, *Perkembangan Metode Penelitian Hukum Di Indonesia* (Malang: UMMPress, 2023).

32 Ahmad Ahmad et al., *Buku Ajar Metode Penelitian & Penulisan Hukum* (Jambi: PT. Sonpedia Publishing Indonesia, 2024).

33 Qadriani Arifuddin et al., *Metodologi Penelitian Hukum* (Jambi: PT. Sonpedia Publishing Indonesia, 2025).

34 Abdullahi A. An-Na'im, *Islamic Family Law in a Changing World: A Global Resource Book* (London: Zed Books, 2002).

35 Djulaeka Djulaeka and Devi Rahayu, *Buku Ajar: Metode Penelitian Hukum* (Surabaya: Scopindo Media Pustaka, 2020).

36 Khaled Al-Farsi, "Exploring Sharia Law in Islamic Jurisprudence," *Social Science Chronicle* 2, no. 2 (2022): 1–20, https://doi.org/10.56106/ssc.2022.009.

37 Dyah Ochtorina Susanti and A'an Efendi, *Penelitian Hukum: Legal Research* (Jakarta: Bumi Aksara, 2022).

38 Lynn Welchman, *Women's Rights and Islamic Family Law: Perspectives on Reform* (London: Zed Books, 2004).

39 Taufik Firmanto et al., *Metodologi Penelitian Hukum: Panduan Komprehensif Penulisan Ilmiah Bidang Hukum* (Jambi: PT. Sonpedia Publishing Indonesia, 2024).

40 Diah Imaningrum Susanti, *Penafsiran Hukum: Teori Dan Metode* (Jakarta: Sinar Grafika, 2021).

reformulation is proposed to reformulate the regulation of the *iddah* period for pre-menopausal women in a way that more reflects the objectives of Islamic family law and contemporary legal needs.[41]

3. Results and Discussion

3.1. The Essence of the Iddah Period for Divorced Women

In Islamic jurisprudence, the *iddah* period is a mandatory waiting period imposed on women after divorce or the death of their husband. The legal basis for the *iddah* period is primarily derived from the Qur'an and further elaborated through prophetic traditions (hadith) and interpretations of classical jurisprudence.[42] Normatively, the *iddah* period has several interrelated objectives, including determining lineage *(hifz al-nasab),* providing a transitional period after divorce, and protecting the social and moral order. These objectives place the *iddah* period within the broader framework of Islamic family law as a mechanism of protection and not punishment.[43]

Classical Islamic *fiqh* recognises different categories of *iddah* periods based on a woman's reproductive condition. Women who menstruate are required to observe an *iddah* period for three menstrual cycles, whereas pregnant women remain in *iddah* period until giving birth, and post-menopausal women observe an *iddah* period for three months.[44] This classification shows that the duration of the *iddah* period is essentially related to physiological indicators, not a rigid numerical time frame. The emphasis on biological conditions reflects legal experts' concern for the clarity and fairness of evidence, particularly in matters of lineage and remarriage.[45]

Within this framework, women whose menstruation has stopped but who have not yet definitely reached menopause fall into a transitional category that is not uniformly regulated in classical *fiqh*. In contrast to approaches that set fixed durations, classical jurists generally relied on contextual judgment, reasonable estimates, and judicial discretion. This flexibility underscores the adaptive nature of Islamic jurisprudence, which allows legal norms to respond to varying social and biological realities without imposing disproportionate burdens.[46]

Conceptually, the *iddah* period must also be understood in the context of the objectives (maqashid) of Islamic law – particularly the protection of dignity (hifz al-ird), mental well-being, and justice. The waiting period is intended to provide space for reflection, emotional adjustment, and legal certainty, not to serve as an excessive restriction on a woman's autonomy. Therefore, any regulation of the *iddah* period that deviates from proportionality risks contradicting the fundamental purpose it is supposed to serve.[47]

The *iddah* period regulation in Indonesian Islamic family law reflects an effort to codify the principles of classical Islamic law in the modern national legal system. As a normative institution, this period functions not only as a religious obligation but also as a legal mechanism that produces real consequences for women after divorce.

In Indonesia, the *iddah* period is regulated in the Compilation of Islamic Law, which was promulgated to provide uniform guidelines for the enforcement of Islamic family law. Article 153

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41 Mahmood Kooria, *Islamic Law in Circulation* (Cambridge: Cambridge University Press, 2022).

42 Ahmad Alfin Afadi, "Analysis of Modern Women's Iddah and Ihdad From The Fuqoha Prespective," *Internasional Conference on Education, Socieaty and Humanity* 1, no. 1 (2023): 134–40, https://ejournal.unuja.ac.id/index.php/icesh/article/view/5593.

43 Bagus Pambudi, "Women's Iddah Provisions In The Understanding Of Islamic Family Law Study Program Students Uin Antasari Banjarmasin," *Interdisciplinary Explorations in Research Journal* 2, no. 1 (2024): 39–46, https://doi.org/10.62976/ierj.v2i1.369.

44 Norman Calder, *Islamic Jurisprudence in the Classical Era* (Cambridge: Cambridge University Press, 2010).

45 Khusnul Khotimah, "Understanding The Application of Iddah and Ihdad: A Study of Religious Norms and Local Interpretations," *Journal of Religion and Environmental Humanities* 2, no. 1 (2025): 1–16, https://journal-iasssf.com/index.php/JREH/article/view/2029.

46 Muhamad Isna Wahyudi, *Fiqh Iddah: Klasik Dan Kontemporer* (Yogyakarta: Pustaka Pesantren, 2009).

47 Adelya Putri Utami et al., "Women's Rights and Islamic Divorce Law: Between Religious Autonomy and Minority Protection," *Muqaranah* 9, no. 2 (2025): 64–77, https://doi.org/10.19109/muqaranah.v9i2.31989.

of the Compilation of Islamic Law classifies the *iddah* period based on the woman's reproductive condition, which largely reflects the categories recognised in classical Islamic jurisprudence.

Article 153 paragraphs 1 to 5 of the Compilation of Islamic Law systematically regulates five main aspects related to the *iddah* period. Specifically, these provisions establish: the general obligation for a woman to observe *iddah* following marital dissolution; the categorisation of waiting period based on the cause of termination (divorce or bereavement), exceptions where divorce occurs before to consummation (qobla al-dukhul); administrative mechanisms regarding the start of the calculation of the *iddah* period which is correlated to the permanent legal force of the court decision or the time of the husband's death, as well as adjustments to the provisions of the *iddah* period to certain biological conditions such as women who are breastfeeding or who are pregnant. Substantively, the entire regulations demonstrates that the construction of the duration of *iddah* period in Paragraphs 1 to 5 is neither speculative or innovative in nature; rather, it remains firmly rooted in biological categories and legal events that explicitly have normative references in the Qur'an.

The provisions of Article 153, paragraphs 1 and 3, which eliminate the *iddah* period in divorce before a husband and wife have intercourse are in line with the Al-Quran, Surah Al-Ahzab, verse 49:

يٰٓاَيُّهَا الَّذِيْنَ اٰمَنُوْٓا اِذَا نَكَحْتُمُ الْمُؤْمِنٰتِ ثُمَّ طَلَّقْتُمُوْهُنَّ مِنْ قَبْلِ اَنْ تَمَسُّوْهُنَّ فَمَا لَكُمْ عَلَيْهِنَّ مِنْ عِدَّةٍ تَعْتَدُّوْنَهَاۚ فَمَتِّعُوْهُنَّ وَسَرِّحُوْهُنَّ سَرَاحًا جَمِيْلًا ﴿٤٩﴾

Meaning:
"O, you who believe, if you marry believer women, then you divorce them before you interfere with them, there is no time period for them that you need concern. So, give them mut'ah (gifts) and let them go in the best way possible."

The provision for three times purification for women who are still menstruating refers to the Qur'an, Surah Al-Baqarah, verse 228:

وَالْمُطَلَّقٰتُ يَتَرَبَّصْنَ بِاَنْفُسِهِنَّ ثَلٰثَةَ قُرُوْۤءٍۗ وَلَا يَحِلُّ لَهُنَّ اَنْ يَّكْتُمْنَ مَا خَلَقَ اللّٰهُ فِيْٓ اَرْحَامِهِنَّ اِنْ كُنَّ يُؤْمِنَّ بِاللّٰهِ وَالْيَوْمِ الْاٰخِرِۗ وَبُعُوْلَتُهُنَّ اَحَقُّ بِرَدِّهِنَّ فِيْ ذٰلِكَ اِنْ اَرَادُوْٓا اِصْلَاحًاۗ وَلَهُنَّ مِثْلُ الَّذِيْ عَلَيْهِنَّ بِالْمَعْرُوْفِۖ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌۗ وَاللّٰهُ عَزِيْزٌ حَكِيْمٌ ﴿٢٢٨﴾

Meaning:
"Wives who are divorced (obligatory) restrain themselves (wait) three times *qurū'* (purity or menstruation). It is not permissible for them to hide what Allah created in their wombs, if they believe in Allah and the Last Day. Their husbands have more right to return to them during that period, if they desire reform. They (women) have rights balanced with their obligations in an appropriate manner. However, husbands have an advantage over them. Allah is Almighty and All-Wise."

The three-month provision for women who do not menstruate and the provision until giving birth for pregnant women refers to the Al-Quran, Surah At-Talaq, verse 4:

وَالّٰۤـِٔيْ يَىِٕسْنَ مِنَ الْمَحِيْضِ مِنْ نِّسَاۤىِٕكُمْ اِنِ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلٰثَةُ اَشْهُرٍۙ وَّالّٰۤـِٔيْ لَمْ يَحِضْنَۗ وَاُولٰتُ الْاَحْمَالِ اَجَلُهُنَّ اَنْ يَّضَعْنَ حَمْلَهُنَّۗ وَمَنْ يَّتَّقِ اللّٰهَ يَجْعَلْ لَّهٗ مِنْ اَمْرِهٖ يُسْرًا ﴿٤﴾

Meaning:
"Post-menopausal women among your wives, if you are in doubt (about the *iddah* period) then the *iddah* is three months. Likewise (also) for women who do not menstruate (immature). As for pregnant women, their *iddah* period is until they give birth. Whoever fears Allah, surely, He will make things easy for him/her in his/her matters."

The 130 (one hundred and thirty) day provision in Article 153 paragraph 2 letter a refers to the Al-Qur'an Surah Al-Baqarah verse 234:

وَالَّذِيْنَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذَرُوْنَ اَزْوَاجًا يَّتَرَبَّصْنَ بِاَنْفُسِهِنَّ اَرْبَعَةَ اَشْهُرٍ وَّعَشْرًاۚ فَاِذَا بَلَغْنَ اَجَلَهُنَّ فَلَا جُنَاحَ عَلَيْكُمْ فِيْمَا فَعَلْنَ فِيْٓ اَنْفُسِهِنَّ بِالْمَعْرُوْفِۗ وَاللّٰهُ بِمَا تَعْمَلُوْنَ خَبِيْرٌ ٢٣٤

Meaning:
"Those of you who die and leave wives behind, let them (the wives) wait for theirs (in *iddah*) for four months and ten days. Then, when they have reached (the end of) their *iddah* period, there is no sin for you (guardian) regarding what they appropriately do with themselves. Allah is All-Knowing of what you do."

Based on this description, it can be emphasised that Article 153 paragraphs 1 to 5 of the Compilation of Islamic Law show clear normative conformity with the provisions of the Al-Qur'an. The regulations do not introduce new constructs, but rather systematically codify the norms that have been clearly stated in the Al-Qur'an. [48]

Article 153, paragraph 6 of the Compilation of Islamic Law formally came into force through Presidential Instruction No. 1 of 1991 and Decree of the Minister of Religion No. 154 of 1991 as instruments for the dissemination and determination of the Compilation of Islamic Law. However, these two regulations are not material sources of the *iddah* period norms, but rather administrative instruments that validate the codification of *fiqh* norms into the national legal system. In its normative construction, Article 153 paragraph 6 of the Compilation of Islamic Law introduces a particular provision by stipulating that women who do not menstruate for reasons other than menopause are required to undergo a one-year *iddah* period.[49] This provision explicitly applies to women in the pre-menopausal period whose menstrual cycle has stopped, but cannot be categorised as menopausal. As a result, this norm presents a formulation of the duration of the *iddah* period that is different from the biological classification explicitly formulated in the verses of the Al-Qur'an. By setting a duration of one year, the Compilation of Islamic Law deviates from the physiological approach developed in classical jurisprudence, where the *iddah* period is generally determined based on the woman's actual biological indicators, such as the menstrual cycle or pregnancy conditions, rather than through setting a fixed period that does not consider the concrete condition of the body.[50]

To comprehend the specific *iddah* period regulations for pre-menopausal women based on Article 153 paragraph 6 of the Compilation of Islamic Law, it is first necessary to examine the legal basis and conceptual framework of the *iddah* period in Islamic law, then continue with an analysis of its codification in Indonesian positive law.[51]

Based on a normative point of view, this codification represents a significant legal choice. The imposition of a one-year *iddah* period appears to prioritise administrative certainty instead of contextual assessment, effectively replacing judicial discretion with a rigid time standard. While legal certainty becomes an important value in codified law, its pursuit must be balanced with proportionality and justice, particularly in matters that directly affect women's personal lives and psychological well-being.[52]

The reason behind the one-year *iddah* period provision is not explicitly outlined in the Compilation of Islamic Law. Thus, it gives rise to ambiguity of interpretation. It can be concluded that the designers tried to prevent uncertainty regarding potential pregnancy in cases of irregular

[48] Prima Angkupi et al., "Direction of Islamic Law Compilation Reform: Efforts to Codify Indonesian Islamic Family Law," *Smart: Journal of Sharia, Tradition, and Modernity* 5, no. 1 (2025): 69–79, https://doi.org/10.24042/smart.v5i1.26261.

[49] Dermina Dalimunthe, "Komparasi Tentang Masa Iddah Antara Kompilasi Hukum Islam Dan Kitab Undang-Undang Hukum Perdata," *El-Ahli: Jurnal Hukum Keluarga Islam* 4, no. 1 (2023): 102–16, https://doi.org/10.56874/el-ahli.v4i1.1265.

[50] Lawrence Rosen, *The Justice of Islam: Comparative Perspectives on Islamic Law and Society* (Oxford: Oxford University Press, 2000).

[51] Sinta Pomahiya, Nur M. Kasim, and Dolot Alhasni Bakung, "Legal Consequences of Marriage During Iddah Period Based on Compilation Islamic Law," *Estudiante Law Journal* 4, no. 2 (2022): 708–19, https://doi.org/10.33756/eslaj.v4i2.18848.

[52] Muhammad Arafah et al., "'Illat and Wisdom in Use Ultrasonography (USG) during Iddah Period," *Mazahibuna* 5, no. 1 (2023): 79–98, https://doi.org/10.24252/mh.vi.35405.

menstruation. However, advances in medical science and the availability of pregnancy detection methods have raised questions about the need for such a long waiting period. The absence of a clear explanatory framework further complicates the application of Article 153 paragraph 6 in judicial practice.[53]

Moreover, the regulation positions Indonesia as unique among Muslim jurisdictions. Although other countries regulate the *iddah* period for women who have stopped menstruating, they generally avoid setting a fixed duration of one year. Instead, they rely on shorter periods, medical verification, or judicial evaluation. Indonesian regulations reflect codification choices that are unique and increasingly difficult to justify in comparative and contemporary contexts.[54]

In practice, Article 153 paragraph 6 has significant implications for women as the subjects of its application. The one-year *iddah* period extends legal and social restrictions, delays remarriage, and can reinforce the stigma associated with divorce. This consequence highlights the need for a critical assessment of the principle of proportionality regarding the duration of the *iddah* period for pre-menopausal women from an Islamic legal perspective, namely whether the provision still carries out its intended protective function or actually creates an imbalance burden to its normative intention.

A comparative examination of the *iddah* period regulations is essential to assess whether Article 153 paragraph 6 of the Compilation of Islamic Law reflects general practice in Islamic family law or has a unique normative position. A comparative examination is required to assess whether Article 153 paragraph 6 of the Compilation of Islamic Law reflects general practice in Islamic family law or is a unique normative position.[55] By placing Indonesian regulations within a broader transnational context, comparative analysis allows for the identification of prevailing patterns, differences, and underlying principles that guide the regulation of the *iddah* period across Muslim jurisdictions. This section examines some Muslim-majority and Muslim-minority countries that officially recognise or codify Islamic family law, with particular attention to the regulation of the *iddah* period for women who have stopped menstruating but have not reached menopause.[56]

To obtain a more comprehensive picture of the regulation position of the *iddah* period in the context of contemporary Islamic family law, it is necessary to conduct a comparative study of regulatory practices in various countries with a Muslim majority population. This comparative analysis is used to assess whether the determination of a certain duration, especially for women in the pre-menopausal period, becomes a general pattern in modern Islamic family law legislation or is exactly a unique formulation in a particular context. To clarify this comparison, Table 2 below presents a summary of the regulations on the iddah period in several Muslim-majority countries based on the tendency of the normative approach used.

[53] Zakiyah Hayati, "Pengaturan Talak Dan 'Iddah (Studi Komparatif Prespektif Fikih Empat Mazhab Dan Kompilasi Hukum Islam (KHI))," *Qiyas: Jurnal Hukum Islam Dan Peradilan* 2, no. 1 (2017): 49–59, https://ejournal.uinfasbengkulu.ac.id/index.php/QIYAS/article/view/463.

[54] Ahmad Zamzam Saefi, "Iddah Dalam Mazhab Fiqih Dan Perundangan Indonesia," *El-Faqih : Jurnal Pemikiran Dan Hukum Islam* 9, no. 1 (2023): 126–41, https://doi.org/10.58401/faqih.v9i1.963.

[55] Yusroh Yusroh, Haaniyatur Roosyidah, and M. Arif Hakim, "The Comparison of 'Iddah and Ihdad in the Shafi'i and Hanafi School," *Hikmatuna: Journal for Integrative Islamic Studies* 9, no. 2 (2023): 117–30, https://doi.org/10.28918/hikmatuna.v9i2.1213.

[56] Suud Sarim Karimullah, "The Implications of Islamic Law on the Rights of Religious Minorities in Muslim-Majority Countries," *MILRev: Metro Islamic Law Review* 2, no. 2 (2023): 90–114, https://doi.org/10.32332/milrev.v2i2.7847.

Table 2.
Regulation of the Iddah Period in Muslim-Majority Countries

Country	Source of Regulation	Approach towards Pre-Menopausal Women	Provision for the 1-Year Iddah Period
Indonesia	Compilation of Islamic Law	Using a normative approach by setting a certain duration for women who do not menstruate not because of breastfeeding	Specified (1 year)
Malaysia	Islamic Family Law Act	Based on biological conditions; allows for judicial assessment and medical considerations	Not Specified
Brunei Darussalam	Islamic Family Law Act	Emphasising biological indicators and individual circumstances	Not Specified
Pakistan	Muslim Family Laws Ordinance and judicial interpretation	In line with the classical *fiqh* category	Not Specified
India	Application of Islamic family law in a plural system	Judicial practice based on classical *fiqh*	Not Specified
Sri Lanka	Plural legal system for Muslim communities	Adhering to classical jurisprudence	Not Specified
Saudi Arabia	Principles of Islamic law in national law	Classical biological classification	Not Specified
The United Arab Emirates	Sharia-based codification	Based on physiological categories	Not Specified
Qatar	Principles of Islamic law	Does not set a fixed duration of pre-menopause	Not Specified
Yemen	Principles of Islamic law	Following the construction of classical *fiqh*	Not Specified
Afghanistan	Principles of Islamic law	Following classical biological categories	Not Specified
Iran	*Ja'fari fiqh*-based legal system	Does not codify a fixed duration of one year	Not Specified

Source: Adapted from Karimullah and Sarim, 2023

Referring to Table 2, the regulations of the *iddah* period in Muslim-majority countries are generally based on classical Islamic jurisprudence while still accommodating contemporary legal and social contexts. Many jurisdictions codify the *iddah* period rules in family law statutes but avoid setting a rigid numerical duration for women in the transitional reproductive phase.[57] In this context, Indonesia occupies a different position as it explicitly stipulates a one-year duration for certain conditions.

In Southeast Asia, Malaysia, and Brunei Darussalam, these regulate the *iddah* period based on their respective Islamic family laws. Both jurisdictions recognise the *iddah* period for women who have stopped menstruating, but do not stipulate a one-year waiting period. Instead, the regulations emphasise biological conditions and allow for judicial judgment, often supported by

[57] Abdullah Al Mamun, "Islamic Law of Personal Status: Analysis of the Reforms of Islamic Family Law in Various Muslim Countries," *International Journal of Law* 1, no. 1 (2017): 16–22, https://www.ijlhss.com/wp-content/uploads/2017/06/IJLHSS-05-17-03.pdf.

medical considerations to determine whether pregnancy is possible to be occurred. This approach reflects an attempt to balance legal certainty with proportionality and individual circumstances.[58]

In South Asia, Pakistan's Muslim Family Law Act and related judicial interpretations also refrain from setting a fixed duration for pre-menopausal women. The regulation of the *iddah* period remains in line with classical *fiqh* categories, which focus on menstruation, pregnancy, and menopause without introducing additional temporal classifications.[59] India and Sri Lanka, where Islamic family law applies to Muslim communities in plural legal systems, also largely adhere to classical jurisprudence through judicial practice rather than rigid codification of laws. In this context, the absence of a one-year *iddah* period underscores the sustainable relevance of physiological indicators and judicial discretion.[60]

Middle Eastern jurisdictions further illustrate this pattern. Saudi Arabia, the United Arab Emirates, Qatar, Yemen, and Afghanistan regulate the *iddah* period primarily through Islamic legal principles incorporated into legal or semi-legal frameworks. Although the specific formulations vary, these jurisdictions consistently avoid imposing a one-year *iddah* period for pre-menopausal women. Instead, they classify women as women in menstruating, pregnant, or menopausal states – with corresponding *iddah* periods reflecting classical jurisprudence. Iran, despite having a distinctive legal system influenced by Ja'fari jurisprudence, does not codify a one-year waiting period for pre-menopausal women.[61]

Across these Muslim-majority jurisdictions, a common pattern emerges: the regulation of the *iddah* period prioritises biological conditions and legal flexibility instead of rigid time standards. Even where codification has occurred, legislators generally refrain from introducing fixed durations that lack a clear basis in classical jurisprudence or contemporary needs.

To complement the comparative analysis, it is also important to examine the *iddah* period implementation in countries with a Muslim population as a minority in a pluralistic legal system. This comparison is necessary to examine whether the pattern of avoidance of a fixed one-year *iddah* period for pre-menopausal women is likewise reflected in jurisdictions that do not adopt Islam as the basis of their national legal system. To clarify this comparison, Table 3 below presents a summary of the *iddah* period regulations in several Muslim minority countries based on the characteristics of the normative approach used.

Table 3.
Regulation of the Iddah Period in Muslim-Minority Countries

Country	Source of Regulation	Approach towards Pre-Menopausal Women	Provision for the 1-Year Iddah Period
Singapore	Administration of Muslim Laws Act (AMLA)	Granting authority to the Sharia Court to assess individual circumstances; based on *fiqh* categories and judicial evaluation	Not Specified
Thailand	Recognition of Islamic family law for the Muslim community	Following the principles of classical jurisprudence without additional temporal codification	Not Specified

[58] Andi Darna et al., "Development and Practice of Islamic Law Codification in Southeast Asia," *Legitimasi: Jurnal Hukum Pidana Dan Politik Hukum* 14, no. 1 (2025): 1–19, https://doi.org/10.22373//legitimasi.v14i1.30008.

[59] Nadya Haider, "Islamic Legal Reform: The Case of Pakistan and Family Law," *Yale Journal of Law & Feminism* 12, (2000): 287-341, http://hdl.handle.net/20.500.13051/6864.

[60] Ayesha Shahid, "Post-Divorce Maintenance Rights for Muslim Women in Pakistan and Iran: Making the Case for Law Reform," *Muslim World Journal of Human Rights* 15, no. 1 (2018): 59–98, https://doi.org/10.1515/mwjhr-2018-0004.

[61] Adrien K. Wing and Hisham A. Kassim, eds., *Family Law and Gender in the Middle East and North Africa: Change and Stasis in the Arab Spring* (Cambridge University Press, 2023), https://doi.org/10.1017/9781139151719.

Country	Source of Regulation	Approach towards Pre-Menopausal Women	Provision for the 1-Year Iddah Period
The Philippines	Muslim Personal Law Code	Distinguishing between menstruation, pregnancy, and menopause	Not Specified

Source: Adapted from Sezgin and Yüksel, 2023

In Muslim minority countries, the regulation of the *iddah* period operates within a plural legal system where Islamic family law specifically applies to the Muslim community. Despite differences in legal structure, these jurisdictions share a common aversion to imposing a one-year *iddah* period for pre-menopausal women.[62]

Singapore's Administration of Muslim Laws Act (AMLA) provides a noteworthy example. This Act regulates the *iddah* period for Muslim women while giving the Sharia Courts the authority to assess individual circumstances, including medical evidence if necessary. This regulation does not set a rigid one-year duration for women with irregular or stopped menstruation, but rather relies on specified *fiqh* categories and judicial evaluation.[63]

In the southern provinces of Thailand, where Islamic family law is recognised for the Muslim community, the *iddah* period regulations follow the principles of classical jurisprudence without additional temporal codification. The absence of a one-year *iddah* period reflects a consistent reliance on traditional categories and local judicial practices.[64]

Meanwhile in the Philippines, through the Muslim Personal Law Code, the *iddah* period is regulated in a manner that is in line with classical Islamic jurisprudence. Although the Code provides legal recognition of the *iddah* period, it does not specify a fixed waiting period for pre-menopausal women. Instead, it distinguishes between menstruating, pregnant, and menopausal women, leaving transitional cases to judicial interpretation.[65]

These Muslim minority jurisdictions demonstrate that even in pluralistic legal systems, legislators have been cautious about codifying rules on the *iddah* period that could impose disproportionate burdens. The emphasis remains on adaptability, fairness, and alignment with established principles of Islamic law.

Comparative analysis between Muslim-majority and Muslim-minority jurisdictions reveals a clear and consistent pattern: none of the studied countries explicitly stipulates a one-year *iddah* period for pre-menopausal women. In such comparative context, Indonesia is the only jurisdiction that stipulates a one-year *iddah* period for pre-menopausal women. In various legal systems and cultural contexts, the regulation of this period is based on physiological indicators, judicial discretion, and proportionality.[66]

Against this background, the Indonesian regulation based on Article 153 paragraph 6 of the Compilation of Islamic Law stands out as a normative exception. The imposition of a rigid one-year *iddah* period refers to a deviation from classical Islamic jurisprudence and contemporary Islamic family law practice. Although codification inevitably involves simplification, the Indonesian

[62] Ghena Krayem, *Islamic Family Law in Australia: To Recognise or Not to Recognise* (Carlton, Victoria: Melbourne University Publishing, 2014).

[63] Norshahril Saat, *Fulfilling The Trust: 50 Years Of Shaping Muslim Religious Life In Singapore* (Singapore: World Scientific, 2018).

[64] Rohanee Machae, Abdul Basir Mohamad, and Mutsalim Khareng, "Mutcah and Ciddah Maintenance: A Critical Analysis on the Implementation in the Context of the Family Law of Thailand and the Islamic Family Law of the Southern of Thailand," *Mediterranean Journal of Social Sciences* 6, no. 6 S4 (2015): 241–49, https://doi.org/10.5901/mjss.2015.v6n6s4p241.

[65] Anshari P. Ali, "The Legal Impediments to the Application of Islamic Family Law in the Philippines," *Journal of Muslim Minority Affairs* 27, no. 1 (2007): 93–115, https://doi.org/10.1080/13602000701308905.

[66] Yüksel Sezgin, "Muslim Family Law Reform: Understanding the Difference between Muslim-Majority and Muslim-Minority Jurisdictions," *Journal of Law, Religion and State* 10, no. 2–3 (2022): 218–51, https://doi.org/10.1163/22124810-20230004.

provisions appear to go beyond what is necessary to achieve legal certainty and instead introduce disproportionate restrictions.[67]

Comparative findings also reveal that legal certainty does not achieve through rigid time standards. Other jurisdictions demonstrate that flexibility – supported by judicial review and empirical medical verification, such as the use USG or hormonal testing – can effectively address concerns about pregnancy and lineage without imposing excessive waiting periods. Thus, Indonesian regulations cannot be justified solely on grounds of legal certainty or doctrinal necessity.[68]

Overall, this comparative review reveals a consistent regulatory pattern across both Muslim-majority and Muslim-minority jurisdictions, where the *iddah* period is determined primarily by objective biological indicators such as menstruation, pregnancy, or clear medical confirmation, rather than by a rigid numerical timeframe.[69] The absence of a one-year *iddah* period for pre-menopausal women in these jurisdictions reflects a shared commitment to legal flexibility, proportionality, and contextual reasoning in the regulation of family law matters.

This comparative pattern ultimately confirms that the essence of the *iddah* period in Islamic law was never intended as a rigid temporal restriction, but rather as a protective instrument rooted to maintain certainty of lineage, honour, and social balance. In this framework, the *iddah* period also contains dimensions of normative obedience to sharia commands, provides space for reconciliation in *talak raj'i*, and contains social meaning as a period of mourning in the event of the death of a husband. As a result, every normative formulation regarding the *iddah* period should remain within the proportional and contextual corridor of *maqashid*.

3.2. Determination of the One-Year Iddah Period for Pre-Menopausal Women

The comparative analysis in the previous section shows that the regulation of a fixed one-year *iddah* period for pre-menopausal women (Article 153 paragraph 6 of the Compilation of Islamic Law) is not classified as a general characteristic of Islamic family law. This finding invites a more in-depth normative evaluation of the provision. From the perspective of Islamic jurisprudence and contemporary legal theory, several fundamental issues arise, particularly regarding its consistency with classical *fiqh*, its proportionality and legal certainty, as well as its alignment with the objectives (maqashid) of Islamic family law.[70]

To illustrate the empirical urgency of this issue in Indonesia, judicial data from the Palembang Religious Court (2023–2025) highlights a significant and steadily increasing trend in divorce cases, particularly those initiated by wives. As shown in Table 4, contested divorce consistently accounts for the overwhelming majority of total divorce cases filed at the court each year.

Table 4.
Number of Divorce Cases at the Palembang Religious Court (2023–2025)

Year	Divorce by Husband	Divorce by Wife	Total
2023	593	1.983	2.576
2024	609	1.974	2.583
2025	686	2.402	3.088

Source: Processed Data from Palembang Religious Court

[67] Wael B. Hallaq, *An Introduction to Islamic Law* (Cambridge: Cambridge University Press, 2009).
[68] John L. Esposito, *Women in Muslim Family Law* (Syracuse: Syracuse University Press, 2001).
[69] Kristina Pujasari Sitompul et al., "The Position of Islamic Law in Fulfilling Women's Rights during the Iddah Period," *JISIP (Jurnal Ilmu Sosial Dan Pendidikan)* 8, no. 1 (2024): 532-537, https://doi.org/10.58258/jisip.v8i1.6316.
[70] Ikram Ikram, Fatimawali Fatimawali, and Muhammad Syarief Hidayatullah, "Iddah in the Perspective of Maqasid Al-Shariah," *Proceeding of International Conference on Islamic and Interdisciplinary Studies* 2, (2023): 490–93, https://jurnal.uindatokarama.ac.id/index.php/iciis/article/view/2272.

Furthermore, a deeper demographic breakdown of female plaintiffs who file for contested divorce reveals that a substantial proportion of these women belong to the age brackets corresponding to the pre-menopausal and menopausal transition phases (ages 36–50 years and above 50 years). Table 5 below details the distribution of divorce by petition *(cerai gugat)* cases based on the plaintiff's age above 35 years at the Palembang Religious Court.

Table 5.
Number of Contested Divorce Cases Based on Plaintiff's Age Over 35 at the Palembang Religious Court

Year	Plaintiff Age 36–50 Years	Plaintiff Age >50 Years
2023	754	80
2024	754	97
2025	941	149

Source: Processed Data from Palembang Religious Court

The data presented in Table 4 and Table 5 above demonstrates that women in the potential pre-menopausal age bracket (36–50 years and >50 years) constitute a significant demographic among divorce litigants, with cases in both age groups showing a notable upward trend in 2025. Consequently, the rigid imposition of a one-year *iddah* period under Article 153 paragraph (6) of the Compilation of Islamic Law (KHI) directly impacts a substantial number of women who face unnecessary legal, social, and psychological prolongations prior to finalising their legal status or remarrying.

To complement these quantitative judicial trends, this study gathered primary qualitative insights from key expert interviewees representing judicial, medical, psychological, and administrative domains. These expert consultations serve to empirically evaluate the practical ineffectiveness, medical invalidity, and psychological repercussions of the one-year *iddah* norm. The profile and information focus of these key informants are detailed in Table 6 below.

Table 6.
List of Key Expert Informants and Research Interviewees

No.	Informant	Position / Field of Expertise	Date of Interview	Relevance and Focus of Information
1	Muhammad Syibbli Z, M.Psi.	Psychologist	December 17, 2025	Provided a clinical perspective on the psychological burden, emotional anxiety, and mental stability of post-divorce women undergoing the menopausal transition.
2	dr. Ranti Pratiwi, Sp.OG.	Obstetrician and Gynaecologist	January 22, 2026	Provided scientific-medical validation regarding clinical indicators of the perimenopause phase, hormonal fluctuations, and the application of modern technology (ultrasound/hormonal testing) to instantly confirm non-pregnancy (*istibra' al-rahim*).

No.	Informant	Position / Field of Expertise	Date of Interview	Relevance and Focus of Information
3	Muhammad Jauhari	Religious Affairs Office (KUA) Official	January 23, 2026	Provided empirical data regarding administrative implementation, legal consultation services, and marriage registration challenges post-divorce for menopausal transition women at the grassroots level.
4	Drs. H. M. Luqmanul Hakim Bastary, S.H., M.H.	Retired Judge of the Palembang High Religious Court	March 11, 2026	Provided empirical-juridical confirmation regarding the ineffectiveness of Article 153 paragraph (6) of the KHI (which is virtually never applied in court practice), explained the discrepancy between written norms and judicial reliance on the Qur'an (3 months for menopausal *iddah*), and underscored the urgency for reformulating the provision.
5	Dr. H. Masalan Bainon, S.Ag., M.H.	Judge at the Class 1A Palembang Religious Court	June 24, 2026	Provided a judicial perspective on the absence of concrete cases involving Article 153 paragraph (6) of the KHI in court proceedings, defended the historical-philosophical relevance of the KHI for women's protection, and confirmed the accommodative space for modern medical evidence in court proceedings.

Source: Primary Data from Research Field Interviews

The qualitative findings from these experts confirm a critical disconnect between codified norms and practical application. Judges explicitly acknowledge that Article 153 paragraph (6) is virtually dormant in judicial practice, as courts consistently apply the three-month rule directly derived from Surah At-Talaq verse 4. Medical experts further confirm that modern diagnostic tools render a one-year waiting period scientifically unnecessary, while psychological evaluation highlights the disproportionate mental distress imposed on women by prolonged legal uncertainty.

The Indonesian formulation based on Article 153 paragraph 6 of the Compilation of Islamic Law constitutes a normative deviation since it deviates from classical Islamic jurisprudence and contemporary comparative practice by imposing a uniform time standard without adequate doctrinal or empirical justification. These differences need to reassess Indonesian regulations

within a broader comparative framework to ensure their coherence with evolving Islamic family law principles and their responsiveness to the realities of women's lives.[71]

One of the most prominent normative problems of Article 153 paragraph 6 of the Compilation of Islamic Law is its inconsistency with classical Islamic jurisprudence. Classical *fiqh* does not recognise a distinct and rigid category of *iddah* period with a fixed duration of one year for women in the pre-menopausal period. Instead, jurists classify women based on clear physiological conditions, including menstruation, pregnancy, and menopause, with corresponding *iddah* periods drawn from scriptural sources.[72]

Pre-menopause is a transitional period marked by hormonal fluctuations, physical changes, and emotional instability. Women at this stage often experience increased sensitivity, anxiety, mood swings, and uncertainty about their bodily changes. When divorce occurs during this phase, the psychological burden may increase due to the simultaneous experience of marital breakdown and biological transition.[73]

From a legal perspective, the *iddah* period is intended to serve as a transitional space that allows women to adjust themselves emotionally and socially after their divorce. However, for pre-menopausal women, the implementation of a prolonged and rigid one-year iddah period can interfere with this function. Rather than facilitating recovery, long waiting periods can prolong emotional suffering by reinforcing feelings of stagnation and uncertainty. The lack of flexibility in the regulations prevents courts from considering individual psychological conditions; thus, they treat women as homogeneous legal subjects despite their diverse life experiences. The approach is not based on the establishment of a specific numerical duration, but rather on reasonable estimates, assessment of evidence, and judicial discretion. This also reflects the methodological character of Islamic jurisprudence, which prioritises substantive justice and contextual evaluation instead of rigid formalism. The absence of a fixed one-year *iddah* period in classical *fiqh* indicates that this duration lacks a strong doctrinal basis.[74]

By codifying the one-year *iddah* period, Article 153 paragraph 6 introduces a norm that cannot be directly traced to authoritative *fiqh* doctrine. While codification inevitably involves interpretation and adaptation, the provisions appear to go beyond interpretative development and instead constitute normative innovations that are difficult to justify within the established legal framework. This raises concerns about the legitimacy of these provisions as expressions of Islamic legal principles.[75]

Moreover, the rigidity of the one-year requirement undermines the adaptive nature of Islamic law. Classical jurisprudence is characterised by its ability to respond to social realities and biological conditions. The imposition of a fixed duration ignores individual variation among women and fails to accommodate advances in medical knowledge that can clarify reproductive status more accurately. Therefore, the parameters used as a reason for the pre-menopausal *iddah* period are normative constructs that are less reflective for adaptive character and evaluative methodology of classical Islamic jurisprudence.[76]

Another important normative problem lies in the imbalance of the one-year *iddah* period and the legal uncertainty. Proportionality is a fundamental principle in modern legal systems, including

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71 Ahmad Ash Shiddieqy et al., "Integrating Islamic Family Law and Gender Equality: A Comparative Study of Legal Reform and Social Norms in Contemporary Indonesia and Morocco," *Legitima: Jurnal Hukum Keluarga Islam* 7, no. 2 (2025): 165–90, https://doi.org/10.33367/legitima.v7i2.7101.

72 Hilmi Yusron Rofi'i, "Husein Muhammad's Thoughts on Husband's Iddah and His Contribution to the Development of Family Law in Indonesia," *SMART: Journal of Sharia, Traditon, and Modernity* 3, no. 2 (2023): 29, https://doi.org/10.24042/smart.v3i2.20487.

73 Alice Antonelli et al., "Mood Disorders and Hormonal Status Across Women's Life: A Narrative Review," *Gynecological Endocrinology* 38, no. 12 (2022): 1019–27, https://doi.org/10.1080/09513590.2022.2149730.

74 Mashood A. Baderin, *Islamic Law: A Very Short Introduction* (Oxford: Oxford University Press, 2021).

75 Abdul Halim, "Implementasi Prinsip-Prinsip Hukum Islam Dalam Penegakan Hukum Di Indonesia: Studi Kasus Dan Evaluasi," *SCHOLASTICA: Jurnal Pendidikan Dan Kebudayaan* 6, no. 1 (2024): 60–68, https://jurnal.stitnualhikmah.ac.id/index.php/scholastica/article/view/2510.

76 Nisrine Abiad, *Sharia, Muslim States and International Human Rights Treaty Obligations: A Comparative Study* (London: British Institute of International and Comparative Law (BIICL), 2008).

Islamic law, which requires that legal obligations should not exceed what is necessary to achieve a legitimate objective. In the context of the *iddah* period, its main objectives include preventing confusion of lineage and providing a transition period after divorce.[77]

The imposition of a one-year waiting period for pre-menopausal women raises serious questions about proportionality. Compared to other categories of *iddah* periods – such as three menstrual cycles for women who are still menstruating or three months for menopausal women, the duration of one year seems excessive. This difference becomes even more pronounced when viewed comparatively, as no other jurisdiction studied imposed a similarly long waiting period for women in comparable circumstances.

Legal uncertainty further exacerbates the problem. Article 153 paragraph 6 refers to women who do not menstruate for reasons other than menopause, but the article does not provide clear criteria for determining when a woman falls into this category. The absence of a precise definition creates ambiguity in the implementation of the law and opens room for inconsistent interpretations. In practice, women with irregular menstrual cycles may be subject to a one-year *iddah* period without adequate consideration of individual circumstances.[78]

Moreover, advances in medical science indicate that imposing such long waiting periods has no longer adequate justification. Modern pregnancy detection methods can provide reliable results in a relatively short time. Consequently, continued reliance on a fixed duration of one year seems out of step with contemporary realities, further undermining its proportionality and rationality. Rather than increasing legal certainty, such provisions may create uncertainty and perceived injustice among affected women.

The normative lack of Article 153 paragraph 6 becomes increasingly apparent when through the lens of the objectives (maqashid) of Islamic family law. Islamic legal norms are ultimately oriented towards the realisation of prosperity (maslahah) and the prevention of danger (mafsadah). In the context of family law, the main objectives include the protection of dignity, mental well-being, justice, and social harmony.[79]

Although *iddah* is intended to serve as a protection, the rigid application of a one-year waiting period risks having the opposite effect of its objective. For pre-menopausal women, who may already be experiencing emotional and physiological vulnerabilities, a prolonged *iddah* period can exacerbate the psychological distress, social isolation, and stigma associated with divorce. Rather than facilitating recovery and transition, these regulations may hinder women's ability to remarry.

Furthermore, such provisions may undermine the principle of justice by imposing unequal burdens without adequate justification. Women subject to Article 153 paragraph 6 face significantly longer restrictions than women subject to a three-month iddah period or three periods of purity, although there is no clear doctrinal or empirical reason for the difference. This unequal treatment does not align with the ethical foundations of Islamic family law, which emphasise justice and balance.

From a *maqashid* perspective, legal certainty and administrative convenience should not trump the protection of human dignity and welfare. If a legal norm causes harm that exceeds its benefits, then its legitimacy must be questioned. In this case, Article 153 paragraph 6 does not need to determine a fixed *iddah* period of one year, because it is not in line with the core objectives of Islamic family law.[80]

The normative issues identified in Article 153 paragraph 6 of the Compilation of Islamic Law cannot be fully comprehended without considering their psychological implications. Rather, they

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[77] Alfiandri Setiawan and Ahmad Kamalul Fikri, "A Review Of Contemporary Islamic Legal Philosophy Towards The Orientation Of Iddah Legislation," *AL-AQWAL: Jurnal Kajian Hukum Islam* 3, no. 1 (2024): 56–68, https://doi.org/10.53491/alaqwal.v3i01.1037.

[78] Wael B. Hallaq, *Sharī'a: Theory, Practice, Transformations* (Cambridge: Cambridge University Press, 2009).

[79] Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (Herndon: International Institute of Islamic Thought (IIIT), 2008).

[80] Nur Aziz Muslim, Asman Taeali, and Frisna Septian Renaldi, "Reinterpreting Iddah for Career Women: Najmuddin Tufi's Maqashid Sharia Approach," *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 8, no. 1 (2024): 65-79, https://doi.org/10.30659/jua.v8i1.38887.

directly impact an individual's emotional well-being, sense of self-esteem, and ability to recover from divorce. For pre-menopausal women, the imposition of a fixed one-year *iddah* period coincides with a phase of life already marked by significant psychological vulnerability, thus magnifying the impact caused by the regulation.[81]

Moreover, a fixed term of one year may create a perception of punishment rather than protection. When legal obligation is perceived as excessive or disconnected from personal reality, it risks undermining respect for the law itself. In this context, Article 153 paragraph 6 inadvertently exacerbates the feelings of marginalisation among pre-menopausal women, who may perceive the regulation ignores their emotional needs and personal autonomy.[82]

3.3. Ideal Iddah Period for Pre-Menopausal Women

Beyond the individual's psychological vulnerability, the prolonged *iddah* period as stipulated in Article 153 paragraph 6 has broader social and emotional consequences. In many social contexts, divorced women remain targets of intense social stigma and stringent. The one-year *iddah* period extends the duration of social restrictions, delays the opportunity to remarry, economic stability and social reintegration.

Prolonged waiting periods can also affect women's sense of self-esteem and future orientation. Legal restrictions on remarrying or reorganising one's personal life for long periods of time can foster feelings of isolation and helplessness. This impact is particularly pronounced for pre-menopausal women, who may already be facing anxieties related to aging, fertility, and social expectations. Accordingly, extending the *iddah* period legally intersects with existing vulnerabilities, exacerbating emotional distress rather than alleviating it.[83]

From a human-centred legal perspective, the emotional consequences of legal norms must be taken seriously. Islamic family law, as a welfare-oriented system (maslahah), strives to protect individuals from harm while maintaining social order. When a legal rule disproportionately affects a particular group such as pre-menopausal women, it risks producing contradict outcomes underlying its ethical commitments. Therefore, the social and emotional consequences of a prolonged *iddah* period strengthen the argument that Article 153 paragraph 6 requires critical reassessment.[84]

Moreover, acknowledging the psychological implications does not diminish the religious or legal significance of the *iddah* period. Otherwise, it reinforces the need to regulate the *iddah* period in a way that adheres to its protective purpose while adapting to contemporary realities. Any regulation that exacerbates psychological distress and social marginalisation cannot be considered fully in line with Islamic family law.[85]

Identification of doctrinal inconsistencies, disproportionality, and psychological implications in Article 153 paragraph 6 of the Compilation of Islamic Law requires normative reformulation of this provision. Reformulation in this context does not mean the rejection of the *iddah* period as an Islamic legal institution, but rather the reformulation of its provisions to ensure consistency with

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[81] M. Faiz Nashrullah, Abdul Rohim Al Wafi, and Zulham Wahyudani, "Aspek Psikologis Suami Istri Sebagai Maqashid Dalam Syariat Iddah Dan Ihdad," *Rayah Al-Islam* 8, no. 1 (2024): 106–19, https://pdfs.semanticscholar.org/c0d1/ffa9e286051e3f8a300282ee6be5ae105218.pdf.

[82] Farahnaz Hashemipoor, Forough Jafari, and Rozita Zabihi, "Maladaptive Schemas and Psychological Well-Being in Premenopausal and Postmenopausal Women," *Menopause Review/Przegląd Menopauzalny* 18, no. 1 (2019): 33–38, https://doi.org/10.5114/pm.2019.84155.

[83] Mastura Razali, Nurhanisah Hadigunawan, and Atiratun Nabilah Jamil, "Analysis of Islamic Legal Rulings Relating to Women Activities During Waiting Period (Iddah) of Revocable Divorce (Talaq Raj'ie) According to Muslim Jurists," *Jurnal Islam Dan Masyarakat Kontemporari* 21, no. 1 (2020): 276–86, https://doi.org/10.37231/jimk.2020.21.1.478.

[84] Anang Wahid Cahyono, "Islamic Family Law and Social Transformation: A Study on Marriage, Divorce, and Inheritance in the Sharia System," *Berajah Journal* 4, no. 7 (2024): 1421–30, https://ojs.berajah.com/index.php/go/article/view/448.

[85] Lailatul Qadariyah and Nor Hasan, "The Philosophical And Spiritual Meaning Of The Iddah Period In Islam: Its Influence on the Formation of the Character of Muslim Women," *SANGKéP: Jurnal Kajian Sosial Keagamaan* 8, no. 3 (2025): 532–56, https://journal.uinmataram.ac.id/index.php/sangkep/article/view/14880/4074.

classical jurisprudence, comparative practice, and the objectives of Islamic family law. The reformulated norms should maintain the protective function of the *iddah* period while avoiding excessive and unreasonable burdens on pre-menopausal women.[86]

The reformulation of Article 153 paragraph 6 must be guided by several interrelated normative principles, with proportionality serving as the primary standard. The legal obligations imposed on individuals must not exceed what is strictly necessary to achieve a legitimate objective. In the context of the *iddah* period, proportionality requires that the length of this period must be reasonably related to its purpose, particularly the prevention of confusion of lineage and the provision of a transition period. The length of the *iddah* period of one year for pre-menopausal women, as previously shown, fails to meet this standard.[87]

Legal certainty must be reinterpreted substantively and not just formally. Even though codified law strives to provide clarity and predictability, certainty should not be achieved by sacrificing contextual fairness and justice. Comparative experience indicates that legal certainty can coexist with judicial discretion, especially when it is supported by clear guidelines and objective criteria such as medical verification. Therefore, the reformulated regulations must provide a clear framework without using rigid temporal standards.[88]

The principle of consistency with classical Islamic jurisprudence must be upheld. The codification of Islamic family law must remain based on authoritative *fiqh* doctrine and methodology. If classical jurisprudence adopted flexibility and contextual judgment, codified law should reflect that character, not replace it with rigid rules lacking strong doctrinal justification. Therefore, reformulation requires realigning regulations with the physiological and evidential approach emphasised in classical *fiqh*.[89]

The reformulation must be based on the objectives (maqashid) of Islamic family law, particularly the protection of dignity, mental well-being, and justice. Legal norms that disproportionately harm certain groups undermine the ethical foundations of Islamic law. The reformulated provisions should ensure that the *iddah* period functions as a protective and transitional mechanism, not as a source of prolonged psychological suffering or social marginalisation.[90]

The reformulated provisions, for example, statutory provisions may stipulate that women whose menstruation has stopped or become irregular, but who have not yet reached menopause, observe the *iddah* period based on a reasonable determination of the pregnancy status, by considering medical verification if necessary.

Based on the principles above, a normative reformulation of Article 153 paragraph 6 of the Compilation of Islamic Law removes the rigid one-year *iddah* period requirement and replaces it with a more flexible and context-sensitive formulation. Rather than setting duration, the regulations should emphasise biological conditions and allow for judicial judgment supported by objective evidence. As a starting point, the provisions currently in force in Article 153 paragraph 6 of the Compilation of Islamic Law state:

> "If the situation in paragraph (5) is not due to breastfeeding, then the *iddah* is for one year; however, if within one year she menstruates again, then the *iddah* becomes three purity times."

The proposed normative reformulation of Article 153 paragraph 6 of the Compilation of Islamic Law is as follows:

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[86] Léon Buskens and Annemarie van Sandwijk, *Islamic Studies in the Twenty-First Century* (London: Routledge, 2016).

[87] Imron Rosyadi, *Rekonstruksi Epistemologi Hukum Keluarga Islam* (Jakarta: Kencana, 2022).

[88] Frans Reumi et al., *Teori Hukum: Konsep, Aliran, Dan Penerapan* (Jambi: PT. Sonpedia Publishing Indonesia, 2025).

[89] Muhammad Syafaat, Akbarizan Akbarizan, and Azzuhri Al Bajuri, "Pembaharuan Hukum Keluarga Islam Indonesia," *Hamalatul Qur'an: Jurnal Ilmu-Ilmu Al-Qur'an* 5, no. 2 (2024): 597–606, https://doi.org/10.37985/hq.v5i2.348.

[90] Hendrianto Hendrianto et al., "Rekonstruksi Hukum Keluarga Islam Melalui Integritas Maqasid Al-Syar'iah Dan Prinsip HAM Di Indonesia," *Jurnal Al Wasith: Jurnal Studi Hukum Islam* 10, no. 2 (2025): 387–398, https://doi.org/10.52802/wst.v10i2.1838.

> "The determination of the *iddah* period for women with uncertain menstrual status is carried out based on medical information by considering the principles of legal certainty and benefit."

Such formulation would align the regulations with classical jurisprudence, comparative practice, and contemporary medical knowledge, while maintaining legal certainty through procedural guidance.[91] The reformulation of the above article offers several advantages. First, this approach restores proportionality by ensuring that the duration of the *iddah* period corresponds to actual physiological conditions, rather than an arbitrary time limit. Second, this approach increases substantive legal certainty by providing clear criteria for judicial decision-making without imposing uniform results in various cases. Third, this approach reduces the psychological and social burden on pre-menopausal women by avoiding excessively long waiting periods.

Moreover, this proposed reformulation does not weaken the religious legitimacy of the meaning of the *iddah* period. On the contrary, it strengthens the institution by returning it to its fundamental purpose and adapting its regulations to contemporary realities. By prioritising dignity, justice, and contextual fairness, these reformulated provisions better reflect Islamic family law as a system oriented towards welfare and balance.[92]

In the broader context of changes in Islamic family law in Indonesia, the reformulation of Article 153 paragraph 6 can serve as a model for reviewing other codified norms that impose rigid obligations without adequate doctrinal or empirical justification. These efforts of change demonstrate that obedience to Islamic law is not achieved through rigidity; rather, through thoughtful engagement with its evolving principles, goals, and social context.[93]

4. Conclusion

This study concludes that the determination of a fixed one-year *iddah* period for pre-menopausal women under Article 153 paragraph (6) of the Compilation of Islamic Law aligns neither with the doctrinal foundations of classical Islamic jurisprudence nor the contemporary development of Islamic family law. The comparative analysis demonstrates that Indonesia is the only jurisdiction among the selected Muslim-majority and Muslim-minority legal systems that expressly codifies a one-year *iddah* period for women whose menstruation has ceased due to pre-menopausal conditions. Consequently, this provision constitutes a normative anomaly that cannot be sufficiently justified from doctrinal, comparative, or practical perspectives.

The legal problem addressed in this article concerns whether the one-year *iddah* period prescribed by Article 153 paragraph (6) remains consistent with the principles of Islamic family law. Based on the findings, the answer is negative. The provision departs from the physiological approach adopted in classical *fiqh*, creates disproportional legal consequences, generates legal uncertainty due to the absence of objective criteria for determining pre-menopausal status, and potentially causes psychological and social harm to women. As a result, the current formulation no longer fully realises the objectives (maqāṣid) of Islamic family law, particularly the protection of dignity, justice, welfare (maslaḥah), and the prevention of harm (mafsadah).

This article proposes a legal reconstruction of Article 153 paragraph (6) of the Compilation of Islamic Law by replacing the rigid one-year *iddah* requirement with a proportional and responsive legal construction. The reconstructed provision should determine the *iddah* period based on objectively verifiable physiological conditions – supported by medical evidence where necessary – while allowing judicial assessment in individual cases. Such a formulation preserves

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[91] Siti Rohmah and Azka Rasyad Alfatdi, "From Living Law to National Law: Theoretical Reconstruction of Applying Islamic Law in Indonesia," *Peradaban Journal of Law and Society* 1, no. 1 (2022): 28–36, https://doi.org/10.59001/pjls.v1i1.19.

[92] Fauzan Arrasyid, Pagar Pagar, and Dhiauddin Tanjung, "Islamic Family Law Reform in Indonesia Through Supreme Court Circulars: A Maqasid Sharia Perspective," *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 6, no. 2 (2023): 208-225, https://doi.org/10.30659/jua.v6i2.29236.

[93] Ahmad Zayyadi et al., "Understanding of Legal Reform on Sociology of Islamic Law: Its Relevance to Islamic Family Law in Indonesia," *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (2023): 249-262. https://doi.org/10.24090/mnh.v17i2.7584.

the protective purposes of *iddah*, strengthens substantive legal certainty, and ensures that legal protection is implemented consistently with the values of proportionality, justice, and the objectives of Islamic family law. Through this reconstruction, Article 153 paragraph (6) can effectively respond to contemporary social realities without departing from the normative foundations of Islamic law.

Acknowledgement

None

Funding Information

None

Conflict of Interest Statement

The authors state that there is no conflict of interest in the publication of this article.

References

Abdullah, Fuady, Nova Anggraini Putri, and Youssof Salhein. "Revisiting 'Iddah: A Critical Analysis of Gender Equality in Indonesian Feminist Islamic Legal Discourse." *Juris: Jurnal Ilmiah Syariah* 22, no. 2 (2023): 275–90. https://doi.org/10.31958/juris.v22i2.10320.

Abiad, Nisrine. *Sharia, Muslim States and International Human Rights Treaty Obligations: A Comparative Study*. London: British Institute of International and Comparative Law (BIICL), 2008.

Afadi, Ahmad Alfin. "Analysis of Modern Women's Iddah and Ihdad From The Fuqoha Prespective." *Internasional Conference on Education, Socieaty and Humanity* 1, no. 1 (2023): 134–40. https://ejournal.unuja.ac.id/index.php/icesh/article/view/5593.

Ahmad, Ahmad, Muhammad Fachrurrazy, Sawitri Yuli Hartati S, Mia Amalia, Engrina Fauzi, Selamat Lumban Gaol, Dirah Nurmila Siliwadi, and Takdir Takdir. *Buku Ajar Metode Penelitian & Penulisan Hukum*. Jambi: PT. Sonpedia Publishing Indonesia, 2024.

Al-Farsi, Khaled. "Exploring Sharia Law in Islamic Jurisprudence." *Social Science Chronicle* 2, no. 2 (2022): 1–20. https://doi.org/10.56106/ssc.2022.009.

Al-Fatih, Sholahuddin. *Perkembangan Metode Penelitian Hukum Di Indonesia*. Malang: UMMPress, 2023.

Ali, Anshari P. "The Legal Impediments to the Application of Islamic Family Law in the Philippines." *Journal of Muslim Minority Affairs* 27, no. 1 (2007): 93–115. https://doi.org/10.1080/13602000701308905.

An-Na'im, Abdullahi A. *Islamic Family Law in a Changing World: A Global Resource Book*. London: Zed Books, 2002.

Angkupi, Prima, Siti Mahmudah, Linda Firdawaty, and Muhammad Shofwan Taufiq. "Direction of Islamic Law Compilation Reform: Efforts to Codify Indonesian Islamic Family Law." *Smart: Journal of Sharia, Tradition, and Modernity* 5, no. 1 (2025): 69–79. https://doi.org/10.24042/smart.v5i1.26261.

Ansari, Meena. "A Comparative Study of Reproductive Law: An Analysis of Saudi Arabia, Iraq, and Malaysia." *Dalhousie Journal of Legal Studies* 29, (2020). https://digitalcommons.schulichlaw.dal.ca/djls/vol29/iss1/20/.

Antonelli, Alice, Andrea Giannini, Peter Chedraui, Patrizia Monteleone, Marta Caretto, Alessandro D. Genazzani, Paolo Mannella, Tommaso Simoncini, and Andrea R. Genazzani. "Mood Disorders and Hormonal Status Across Women's Life: A Narrative Review." *Gynecological Endocrinology* 38, no. 12 (2022): 1019–27.

https://doi.org/10.1080/09513590.2022.2149730.

Arafah, Muhammad, Irsan Nur, Sofyan Sofyan, Mulham Jaki Asti, and Andi Muhammad Ridha Rahmatullah. "'Illat and Wisdom in Use Ultrasonography (USG) during Iddah Period." *Mazahibuna* 5, no. 1 (2023): 79–98. https://doi.org/10.24252/mh.vi.35405.

Arifuddin, Qadriani, Riswan Riswan, Muhammad Adam HR, Bulkis Bulkis, Abdul Latif, Salma Salma, Hasnawati Hasnawati, A. Ariani Hidayat, and Nur Indah. *Metodologi Penelitian Hukum*. Jambi: PT. Sonpedia Publishing Indonesia, 2025.

Arrasyid, Fauzan, Pagar Pagar, and Dhiauddin Tanjung. "Islamic Family Law Reform in Indonesia Through Supreme Court Circulars: A Maqasid Sharia Perspective." *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 6, no. 2 (2023): 208-225. https://doi.org/10.30659/jua.v6i2.29236.

Auda, Jasser. *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. Herndon: International Institute of Islamic Thought (IIIT), 2008.

Aufa, Maya, Nurul Ma'rifah, and Ma'zumi Ma'zumi. "The Transformation of Iddah Law: Towards Gender Equality and Family Justice in Islamic Society." *Al-Kharaj: Journal of Islamic Economic and Business* 8, no. 1 (2026): 497–507. https://ejournal.iainpalopo.ac.id/index.php/alkharaj/article/view/9324.

Ayu, Diyan Putri, Elfi Mu'awanah, and Ngainun Naim. "Legal Implications of Husband's Marriage During the 'Iddah Period (Legal Status and Legal Consequences)." *Proceeding of International Converence on Education, Society and Humanity* 2, no. 2 (2024): 2338–51. https://ejournal.unuja.ac.id/index.php/icesh/article/view/10501.

Baderin, Mashood A. *Islamic Law: A Very Short Introduction*. Oxford: Oxford University Press, 2021.

Bariah, Oyoh, and Ferianto Ferianto. "Legal Implications Of Marriage During The Iddah Period: Analytical Study Of The Opinions Of Fiqh Scholars." *International Journal Ihya Ulum Al-Din* 26, no. 1 (2024): 10–22. https://doi.org/10.21580/ihya.26.1.20519.

Bleil, M. E., N. E. Adler, L. A. Pasch, B. Sternfeld, S. E. Gregorich, M. P. Rosen, and M. I. Cedars. "Psychological Stress and Reproductive Aging Among Pre-Menopausal Women." *Human Reproduction* 27, no. 9 (2012): 2720–28. https://doi.org/10.1093/humrep/des214.

Büchler, Andrea, and Christina Schlatter. Marriage age in islamic and contemporary muslim family laws. A comparative survey. *Electronic Journal of Islamic and Middle Eastern Law (EJIMEL)* 1, no. 2 (2013): 37–74. https://doi.org/10.5167/uzh-78204.

Buskens, Léon, and Annemarie van Sandwijk. *Islamic Studies in the Twenty-First Century*. London: Routledge, 2016.

Cahyono, Anang Wahid. "Islamic Family Law and Social Transformation: A Study on Marriage, Divorce, and Inheritance in the Sharia System." *Berajah Journal* 4, no. 7 (2024): 1421–30. https://ojs.berajah.com/index.php/go/article/view/448.

Calder, Norman. *Islamic Jurisprudence in the Classical Era*. Cambridge: Cambridge University Press, 2010.

Dalimunthe, Dermina. "Komparasi Tentang Masa Iddah Antara Kompilasi Hukum Islam Dan Kitab Undang-Undang Hukum Perdata." *El-Ahli: Jurnal Hukum Keluarga Islam* 4, no. 1 (2023): 102–16. https://doi.org/10.56874/el-ahli.v4i1.1265.

Darna, Andi, Ridhwan Ridhwan, Abidin Nurdin, and Mohammad Nizar. "Development and Practice of Islamic Law Codification in Southeast Asia." *Legitimasi: Jurnal Hukum Pidana Dan Politik Hukum* 14, no. 1 (2025): 1–19. https://doi.org/10.22373//legitimasi.v14i1.30008.

Djulaeka, Djulaeka and Devi Rahayu. *Buku Ajar: Metode Penelitian Hukum*. Surabaya: Scopindo Media Pustaka, 2020.

Doni, M., and Silfia Hanani. “The Compilation of Islamic Law as a Socio-Digital Product in the Reform of Islamic Law in Indonesia.” *Hakamain: Journal of Sharia and Law Studies* 4, no. 1 (2025): 14–25. https://doi.org/10.57255/hakamain.v4i1.1335.

Esposito, John L. *Women in Muslim Family Law*. Syracuse: Syracuse University Press, 2001.

Fadhilah, Nur, Ahmad Musonnif, and Indri Hadisiswati. “Regulating Arbitrary Divorce in Islamic Family Law : A Maqāṣid Al-Sharīʿah–Based Comparative Analysis of Muslim-Majority Legal Systems.” *Al-Hukama’: The Indonesian Journal of Islamic Family Law* 15, no. 2 (2025): 150–75. https://jurnalfsh.uinsa.ac.id/index.php/alhukuma/article/view/2755.

Farid, Diana, Muhammad Husni Abdulah Pakarti, Kemal Al Kautsar Mabruri, Alex Kusmardani, and Elly Lestari. “Harmonizing the Iddah Period for Women Divorced Outside the Court According to KHI and Fiqh Law.” *Justisi* 10, no. 1 (2024): 55–67. https://doi.org/10.33506/jurnaljustisi.v10i1.2455.

Firmanto, Taufik, Sufiarina Sufiarina, Frans Reumi, and Indah Nur Shanty Saleh. *Metodologi Penelitian Hukum: Panduan Komprehensif Penulisan Ilmiah Bidang Hukum*. Jambi: PT. Sonpedia Publishing Indonesia, 2024.

Hagan, Margaret. “Legal Design as a Thing: A Theory of Change and a Set of Methods to Craft a Human-Centered Legal System.” *Design Issues* 36, no. 3 (2020): 3–15. https://doi.org/10.1162/desi_a_00600.

Haider, Nadya. “Islamic Legal Reform: The Case of Pakistan and Family Law.” *Yale Journal of Law & Feminism* 12, (2000): 287-341. http://hdl.handle.net/20.500.13051/6864.

Halim, Abdul. “Implementasi Prinsip-Prinsip Hukum Islam Dalam Penegakan Hukum Di Indonesia: Studi Kasus Dan Evaluasi.” *SCHOLASTICA: Jurnal Pendidikan Dan Kebudayaan* 6, no. 1 (2024): 60–68. https://jurnal.stitnualhikmah.ac.id/index.php/scholastica/article/view/2510.

Hallaq, Wael B. *An Introduction to Islamic Law*. Cambridge: Cambridge University Press, 2009.

———. *Sharī’a: Theory, Practice, Transformations*. Cambridge: Cambridge University Press, 2009.

Hashemipoor, Farahnaz, Forough Jafari, and Rozita Zabihi. “Maladaptive Schemas and Psychological Well-Being in Premenopausal and Postmenopausal Women.” *Menopause Review/*Przegląd Menopauzalny 18, no. 1 (2019): 33–38. https://doi.org/10.5114/pm.2019.84155.

Hayati, Zakiyah. “Pengaturan Talak Dan ‘Iddah (Studi Komparatif Prespektif Fikih Empat Mazhab Dan Kompilasi Hukum Islam (KHI)).” *Qiyas: Jurnal Hukum Islam Dan Peradilan* 2, no. 1 (2017): 49–59. https://ejournal.uinfasbengkulu.ac.id/index.php/QIYAS/article/view/463.

Hendrianto, Hendrianto, Marbujang Marbujang, Putrado Herliansyah, Yerry Anro Foza, and Enang Suyatna. “Rekonstruksi Hukum Keluarga Islam Melalui Integritas Maqasid Al-Syar’iah Dan Prinsip HAM Di Indonesia.” *Jurnal Al Wasith: Jurnal Studi Hukum Islam* 10, no. 2 (2025): 387–398. https://doi.org/10.52802/wst.v10i2.1838.

Hermawan, Wawan, Mohammad Rindu Fajar Islamy, Achmad Faqihuddin, and Miftahul Ulum. “Implementing Islamic Law in Diaspora Naturalization: A Middle East, Southeast Asia, and West.” *Ahkam: Jurnal Ilmu Syariah* 25, no. 1 (2025): 71–86. https://doi.org/10.15408/ajis.v25i1.41465.

Hidayati, Nuzulia Febri. “Konstruksi ‘iddah Dan Ihdad Dalam Kompilasi Hukum Islam (KHI).” *MISYKAT: Jurnal Ilmu-Ilmu Al-Quran Hadits Syari’ah Dan Tarbiyah* 4, no. 1 (2019): 163–89. https://pps.iiq.ac.id/jurnal/index.php/misykat/article/view/2250.

Hilal, Syamsul, and Sumper Mulia Harahap. “Iddah in the View of Islam and Feminists.” *Al-’Adalah* 18, no. 2 (2021): 213–32. https://doi.org/10.24042/adalah.v18i2.8515.

Ikram, Ikram, Fatimawali Fatimawali, and Muhammad Syarief Hidayatullah. “Iddah in the Perspective of Maqasid Al-Shariah.” *Proceeding of International Conference on Islamic and Interdisciplinary Studies* 2, (2023): 490–93. https://jurnal.uindatokarama.ac.id/index.php/iciis/article/view/2272.

Irwansyah Irwansyah. *Penelitian Hukum Pilihan Metode & Praktik Penulisan Artikel*. Yogyakarta: Mirra Buana Media, 2021.

Jannah, Shofiatul, and Dwi Hidayatul Firdaus. “Reformulation of the Concept of Iddah in The Compilation of Islamic Law Perspective of Negotiative Hermeneutics.” *De Jure: Jurnal Hukum Dan Syar’iah* 15, no. 2 (2023): 286–300. https://doi.org/10.18860/j-fsh.v15i2.21065.

Karimullah, Suud Sarim. “The Implications of Islamic Law on the Rights of Religious Minorities in Muslim-Majority Countries.” *MILRev: Metro Islamic Law Review* 2, no. 2 (2023): 90–114. https://doi.org/10.32332/milrev.v2i2.7847.

Khan, Asad Ullah, Ulfat Hussain, Muhammad Rashid, and Rashid Hameed. “Social Norms and Legal Compliance: Understanding the Psychological Factors Influencing Adherence to Laws in Educational Settings.” *Bulletin of Business and Economics* 13, no. 3 (2024): 326–32. https://bbejournal.com/index.php/BBE/article/view/1002/.

Kharlie, Ahmad Tholabi, Asep Syarifuddin Hidayat, and Muhammad Hafiz. *Kodifikasi Hukum Keluarga Islam Kontemporer: Pembaruan, Pendekatan, Dan Elastisitas Penerapan Hukum*. Jakarta: Kencana, 2020.

Khotimah, Khusnul. “Understanding The Application of Iddah and Ihdad: A Study of Religious Norms and Local Interpretations.” *Journal of Religion and Environmental Humanities* 2, no. 1 (2025): 1–16. https://journal-iasssf.com/index.php/JREH/article/view/2029.

Kooria, Mahmood. *Islamic Law in Circulation*. Cambridge: Cambridge University Press, 2022.

Krayem, Ghena. *Islamic Family Law in Australia: To Recognise or Not to Recognise*. Carlton, Victoria: Melbourne University Publishing, 2014.

Luthfia, Allisa. “Apa Itu Masa Iddah? Berikut Ketentuan Dan Hikmahnya Dalam Islam.” *Antara News*. February 27, 2025. https://www.antaranews.com/berita/4678277/apa-itu-masa-iddah-berikut-ketentuan-dan-hikmahnya-dalam-islam.

Machae, Rohanee, Abdul Basir Mohamad, and Mutsalim Khareng. “Mutcah and Ciddah Maintenance: A Critical Analysis on the Implementation in the Context of the Family Law of Thailand and the Islamic Family Law of the Southern of Thailand.” *Mediterranean Journal of Social Sciences* 6, no. 6 S4 (2015): 241–49. https://doi.org/10.5901/mjss.2015.v6n6s4p241.

Majid, Abdul. “Islamic Legal Reform Based on Maqāṣid Syarī‘Ah: A Study of Al-Ghazālī’s Thoughts and Its Relevance in the Context of Indonesian Family Law.” *USRAH: Jurnal Hukum Keluarga Islam* 6, no. 4 (2025): 1–11. https://doi.org/10.46773/usrah.v6i4.2195.

Mamun, Abdullah Al. “Islamic Law of Personal Status: Analysis of the Reforms of Islamic Family Law in Various Muslim Countries.” *International Journal of Law* 1, no. 1 (2017): 16–22. https://www.ijlhss.com/wp-content/uploads/2017/06/IJLHSS-05-17-03.pdf.

Muslim, Nur Aziz, Asman Taeali, and Frisna Septian Renaldi. “Reinterpreting Iddah for Career Women: Najmuddin Tufi’s Maqashid Sharia Approach.” *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 8, no. 1 (2024): 65-79. https://doi.org/10.30659/jua.v8i1.38887.

Muwaffika, Anna, Faisar Ananda Arfa, Ibnu Radwan Siddiq Turnip, and Taufik Taufik. “KHI: Upaya Transformasi Hukum Keluarga Islam Kedalam Sistem Hukum Nasional.” *AL-WAQFU: Jurnal Hukum Ekonomi Dan Wakaf* 3, no. 1 (2025): 1–17. https://jurnal.alwaqfu.or.id/index.php/alwaqfu/article/view/306.

Nashrullah, M. Faiz, Abdul Rohim Al Wafi, and Zulham Wahyudani. “Aspek Psikologis Suami Istri Sebagai Maqashid Dalam Syariat Iddah Dan Ihdad.” *Rayah Al-Islam* 8, no. 1 (2024): 106–

19. https://pdfs.semanticscholar.org/c0d1/ffa9e286051e3f8a300282ee6be5ae105218.pdf.

Nyazee, Imran Ahsan Khan. *Islamic Jurisprudence*. Petaling Jaya: The Other Press Sdn Bhd, 2019.

O'Reilly, Kate, Fiona McDermid, Susan McInnes, and Kath Peters. "An Exploration of Women's Knowledge and Experience of Perimenopause and Menopause: An Integrative Literature Review." *Journal of Clinical Nursing* 32, (2023): 4528–40. https://doi.org/10.1111/jocn.16568.

Pambudi, Bagus. "Women's Iddah Provisions In The Understanding Of Islamic Family Law Study Program Students Uin Antasari Banjarmasin." *Interdisciplinary Explorations in Research Journal* 2, no. 1 (2024): 39–46. https://doi.org/10.62976/ierj.v2i1.369.

Pomahiya, Sinta, Nur M. Kasim, and Dolot Alhasni Bakung. "Legal Consequences of Marriage During Iddah Period Based on Compilation Islamic Law." *Estudiante Law Journal* 4, no. 2 (2022): 708–19. https://doi.org/10.33756/eslaj.v4i2.18848.

Qadariyah, Lailatul, and Nor Hasan. "The Philosophical And Spiritual Meaning Of The Iddah Period In Islam : Its Influence on the Formation of the Character of Muslim Women." *SANGKéP: Jurnal Kajian Sosial Keagamaan* 8, no. 3 (2025): 532–56. https://journal.uinmataram.ac.id/index.php/sangkep/article/view/14880/4074.

Razali, Mastura, Nurhanisah Hadigunawan, and Atiratun Nabilah Jamil. "Analysis of Islamic Legal Rulings Relating to Women Activities During Waiting Period (Iddah) of Revocable Divorce (Talaq Raj'ie) According to Muslim Jurists." *Jurnal Islam Dan Masyarakat Kontemporari* 21, no. 1 (2020): 276–86. https://doi.org/10.37231/jimk.2020.21.1.478.

Reumi, Frans, Loso Judijanto, Kiki Kristanto, Erni Yoesry, and Dian Rahadian. *Teori Hukum: Konsep, Aliran, Dan Penerapan*. Jambi: PT. Sonpedia Publishing Indonesia, 2025.

Rizkia, Nanda Dwi, and Hardi Fardiansyah. *Metode Penelitian Hukum (Normatif Dan Empiris)*. Bandung: Widina Media Utama, 2023.

Rofi'i, Hilmi Yusron. "Husein Muhammad's Thoughts on Husband's Iddah and His Contribution to the Development of Family Law in Indonesia." *SMART: Journal of Sharia, Traditon, and Modernity* 3, no. 2 (2023): 29. https://doi.org/10.24042/smart.v3i2.20487.

Rohmah, Siti, and Azka Rasyad Alfatdi. "From Living Law to National Law: Theoretical Reconstruction of Applying Islamic Law in Indonesia." *Peradaban Journal of Law and Society* 1, no. 1 (2022): 28–36. https://doi.org/10.59001/pjls.v1i1.19.

Rosen, Lawrence. *The Justice of Islam: Comparative Perspectives on Islamic Law and Society*. Oxford: Oxford University Press, 2000.

Rosyadi, Imron. *Rekonstruksi Epistemologi Hukum Keluarga Islam*. Jakarta: Kencana, 2022.

Saat, Norshahril. *Fulfilling The Trust: 50 Years Of Shaping Muslim Religious Life In Singapore*. Singapore: World Scientific, 2018.

Saefi, Ahmad Zamzam. "Iddah Dalam Mazhab Fiqih Dan Perundangan Indonesia." *El-Faqih : Jurnal Pemikiran Dan Hukum Islam* 9, no. 1 (2023): 126–41. https://doi.org/10.58401/faqih.v9i1.963.

Saepullah, Asep, Abdul Aziz, Ipuk Widayanti, M. Zidny Nafi' Hasbi, and Adamu Abubakar Muhammad. "A Contemporary Socio-Legal Evaluation of Indonesia's Post-Reformation Child Marriage Policies." *MILRev: Metro Islamic Law Review* 4, no. 2 (2025): 1393–1426. https://doi.org/10.32332/milrev.v4i2.10322.

Salim, Arskal. *Contemporary Islamic Law in Indonesia: Sharia and Legal Pluralism*. Edinburgh: Edinburgh University Press, 2015.

Scheunchen, Tobias. "From Body to Substance: Islamic Menstruation Laws in the Shadow of Late Antiquity?" *Islamic Law and Society* 32, (2025): 1–42.

https://doi.org/10.1163/15685195-bja10062.

Setiawan, Alfiandri, and Ahmad Kamalul Fikri. "A Review Of Contemporary Islamic Legal Philosophy Towards The Orientation Of Iddah Legislation." *AL-AQWAL: Jurnal Kajian Hukum Islam* 3, no. 1 (2024): 56–68. https://doi.org/10.53491/alaqwal.v3i01.1037.

Sezgin, Yüksel. "Muslim Family Law Reform: Understanding the Difference between Muslim-Majority and Muslim-Minority Jurisdictions." *Journal of Law, Religion and State* 10, no. 2–3 (2022): 218–51. https://doi.org/10.1163/22124810-20230004.

Shahid, Ayesha. "Post-Divorce Maintenance Rights for Muslim Women in Pakistan and Iran: Making the Case for Law Reform." *Muslim World Journal of Human Rights* 15, no. 1 (2018): 59–98. https://doi.org/10.1515/mwjhr-2018-0004.

Shiddieqy, Ahmad Ash, Akhmad Roja Badrus Zaman, Sumayyah Faqihah, Muhammad Nur Fathoni, and Dinda Difia Madina. "Integrating Islamic Family Law and Gender Equality: A Comparative Study of Legal Reform and Social Norms in Contemporary Indonesia and Morocco." *Legitima: Jurnal Hukum Keluarga Islam* 7, no. 2 (2025): 165–90. https://doi.org/10.33367/legitima.v7i2.7101.

Sitompul, Kristina Pujasari, Nur Anisa Simbolon, Muhammad Rifai, and Sri Hadiningrum. "The Position of Islamic Law in Fulfilling Women's Rights during the Iddah Period." *JISIP (Jurnal Ilmu Sosial Dan Pendidikan)* 8, no. 1 (2024): 532-537. https://doi.org/10.58258/jisip.v8i1.6316.

Susanti, Diah Imaningrum. *Penafsiran Hukum: Teori Dan Metode*. Jakarta: Sinar Grafika, 2021.

Susanti, Dyah Ochtorina, and A'an Efendi. *Penelitian Hukum: Legal Research*. Jakarta: Bumi Aksara, 2022.

Syafaat, Muhammad, Akbarizan Akbarizan, and Azzuhri Al Bajuri. "Pembaharuan Hukum Keluarga Islam Indonesia." *Hamalatul Qur'an: Jurnal Ilmu-Ilmu Al-Qur'an* 5, no. 2 (2024): 597–606. https://doi.org/10.37985/hq.v5i2.348.

Syarifuddin, Amir. *Hukum Perkawinan Islam Di Indonesia Antara Fiqh Munakahat Dan Undang-Undang Perkawinan*. Jakarta: Kencana, 2007.

Thodukayil, Fathima Sherin Ottakkam, Udhayakumar Palaniswamy, and Aswathy Kunjumon. "The Causes of Divorce and Its Effects on Women: A Systematic Review." *Marriage & Family Review* 62, no. 2 (2026): 59–94. https://doi.org/10.1080/01494929.2025.2484781.

Utami, Adelya Putri, Nunung Rodliyah, Fristia Berdian Tamza, Sepriyadi Adhan S., and Kasmawati Kasmawati. "Women's Rights and Islamic Divorce Law: Between Religious Autonomy and Minority Protection." *Muqaranah* 9, no. 2 (2025): 64–77. https://doi.org/10.19109/muqaranah.v9i2.31989.

Wahyudi, Muhamad Isna. *Fiqh Iddah: Klasik Dan Kontemporer*. Yogyakarta: Pustaka Pesantren, 2009.

Welchman, Lynn. *Women's Rights and Islamic Family Law: Perspectives on Reform*. London: Zed Books, 2004.

Wing, Adrien K., and Hisham A. Kassim, eds. *Family Law and Gender in the Middle East and North Africa: Change and Stasis since the Arab Spring*. Cambridge University Press, 2023. https://doi.org/10.1017/9781139151719.

Yuliantari, Ela, and Zainal Azwar. "Reformulating the Concept of Ihdad in the Contemporary Era: A Review of the Concept of Ihdad According to Jurisprudence Scholars." *Al-Rasīkh: Jurnal Hukum Islam* 14, no. 1 (2025): 82–97. https://doi.org/10.38073/rasikh.v14i1.2536.

Yusroh, Yusroh, Haaniyatur Roosyidah, and M. Arif Hakim. "The Comparison of 'Iddah and Ihdad in the Shafi'i and Hanafi School." *Hikmatuna: Journal for Integrative Islamic Studies* 9, no. 2 (2023): 117–30. https://doi.org/10.28918/hikmatuna.v9i2.1213.

Zayyadi, Ahmad, Ridwan Ridwan, Arif Hidayat, Ubaidillah Ubaidillah, and Mowafg Abrahem Masuwd. “Understanding of Legal Reform on Sociology of Islamic Law: Its Relevance to Islamic Family Law in Indonesia.” *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (2023): 249-262. https://doi.org/10.24090/mnh.v17i2.7584.