



Women's Iddah Provisions In The Understanding Of Islamic Family Law Study Program Students Uin Antasari Banjarmasin

Bagus Pambudi

Faculty of Sharia, Antasari State Islamic University
Jalan Ahmad Yani, Km. 4.5 Banjarmasin, Indonesia
Email: Armysize88@gmail.com

Received 20-10-2023 | Received in revised form 29-12-2023 | Accepted 15-01-2024

ABSTRACT

Iddah is a transition period after divorce and before remarriage, whether divorced or alive. Islam has paid a lot of attention to the discussion of iddah which can be studied from the Qur'an, as-Sunnah, and al-Ijma'. UIN Antasari Banjarmasin itself also paid attention to this study, so that this study also became learning material for its students. Thus, this research will discuss iddah in the understanding of Islamic Family Law students at UIN Antasari Banjarmasin. The method used is fieldwork collected by direct interviews with student speakers. The research results show that Islamic Family Law students at UIN Antasari Banjarmasin can be said to have a good understanding of iddah. They can explain well the definition, objectives and laws of iddah. Their understanding, which is still considered moderate, is regarding the iddah periods for each condition.

Keywords: Iddah, Understanding, Student.

ABSTRAK

Iddah merupakan masa transisi setelah bercerai dan sebelum menikah lagi, baik cerai mati ataupun cerai hidup. Islam telah banyak memberi perhatian dalam bahasan iddah yang dapat dipelajari dari al-Qur'an, as-Sunnah, dan al-Ijma'. UIN Antasari Banjarmasin sendiri juga memberikan perhatiannya dalam kajian ini, sehingga kajian ini turut menjadi bahan belajar oleh mahasiswanya. Dengan demikian, penelitian ini akan membahas mengenai iddah dalam pemahaman mahasiswa Hukum Keluarga Islam UIN Antasari Banjarmasin. Metode yang digunakan ialah lapangan yang dikumpulkan dengan wawancara langsung bersama mahasiswa narasumber. Hasil penelitian menunjukkan bahwa mahasiswa Hukum Keluarga Islam UIN Antasari Banjarmasin dapat dikatakan memiliki pemahaman yang baik mengenai iddah. Mereka dapat menjelaskan dengan baik mengenai definisi, tujuan, dan hukum iddah. Adapun pemahaman mereka yang masih dianggap sedang ialah mengenai masa-masa iddah masing-masing kondisi.

Kata Kunci : Iddah, Pemahaman, Mahasiswa.

This is an open access article under the [CC BY-NC-SA](https://creativecommons.org/licenses/by-nc-sa/4.0/) license.



INTRODUCTION

Humans have biological needs for the opposite sex, which in Islam can only be fulfilled if there is a marriage bond. All couples yearn for a successful marriage. However, Allah Swt. knows better what is best for His servants. Every human being is tested in their own measure, some households are tested by divorce or by the death of a spouse. As for after this divorce, both are given a transition time to think clearly in determining the next step, either to reconcile or to remarry someone else. This transition time is known as the iddah period.

Iddah has actually existed since the time of the Jahiliyyah. After the advent of Islam, this commandment increasingly found a place in the discussions of the scholars, so that each of them contributed their thoughts to the study of iddah. Generally, the purpose of iddah is always presented to determine whether or not a divorced woman is pregnant. In fact, the study of iddah is a deep study. It is not limited to biological problems and pregnancy, but also consideration of psychological aspects, tolerance, as well as solidarity for children and families. Therefore, iddah has also been taught in many lectures, especially in the Law Study Program. Thus, this paper will explain the extent of iddah in the understanding of students of the Islamic Family Law Study Program at UIN Antasari Banjarmasin.

METHODS

This research is a field type conducted by direct interviews with sources in the research environment. The location itself is located in the campus environment of UIN Antasari, precisely in the Faculty of Sharia. This research is sourced from information obtained from students of the Islamic Family Law Study Program at UIN Antasari Banjarmasin obtained through interviews and then compiled descriptively. Apart from interviews, researchers also collect information from physical books and from the internet that have a relationship with the discussion that researchers will study.

RESULTS AND DISCUSSION

Iddah comes from the Arabic word "*al-Addu*" meaning count or number. While in terms of the term is the time set by shari'a after divorce. The fiqh experts differ in defining the meaning of iddah, but all agree that iddah is a period of waiting for a woman after being divorced, to ensure that her womb is empty, so that she is allowed to marry another man (after the iddah period is over). In addition to ensuring that the womb is empty, the iddah period also aims to give the woman time to grieve, as well as giving the husband the opportunity to reconsider whether or not to reconcile.

Iddah itself is divided into three types, namely the iddah of a dead divorce, the iddah of a living divorce, and the iddah of a woman who has never had sexual intercourse. As follows:

1. The 'iddah period for a woman whose husband dies is divided into two conditions; if she is pregnant, then the 'iddah period is until she gives birth; and if she is not pregnant, then the 'iddah period is four months and ten days.
2. The 'iddah period for a woman who is divorced by her living husband is divided into three conditions. If she is pregnant, then the 'iddah period is until she gives birth; If she is not pregnant and has menstruated, then the 'iddah period is three menstrual periods; and If she is not pregnant and has not menstruated or has not menstruated, then the 'iddah period is three months.
3. Lastly, if a woman has not had sexual intercourse, then there is no 'iddah for her. This means that she may marry immediately after being divorced by her husband.

Legal Basis for the Iddah Period

The ruling on 'iddah is obligatory, based on the evidence of the words of Allah, Hadith, scholarly consensus, and the laws of the country. Every woman who is divorced, whether her husband dies or is divorced, whether she is pregnant or not, or whether she has not menstruated, is still menstruating, or has not menstruated, iddah is obligatory for her if she has had sexual intercourse. The legal basis for the commandment of tiddah for women is as follows:

1. Q.S. Al-Baqarah verse 228:

"وَالْمُطَلَّقاتُ يَتَرَضَّنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ وَلَا يَحِلُّ لَهُنَّ أَنْ يَكْتُمْنَ مَا خَلَقَ اللَّهُ فِي 653 ← أَرْحَامِهِنَّ إِنْ كُنَّ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَبُعُولَتُهُنَّ أَحَقُّ بِرَدِّهِنَّ فِي ذَلِكَ إِنْ أَرَادُوا إِصْلَاحًا وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ وَاللَّهُ عَلِيمٌ حَكِيمٌ"

Meaning: "And the divorced wives (must) restrain themselves (waiting) three times quru'. They should not conceal what Allah has created in their wombs, if they believe in Allah and the Last Day. And their husbands have more right to return to them during this period, if they wish to make amends. And they (women) have rights in proportion to their duties in an appropriate manner. But the husbands have an advantage over them. Allah is the Mighty, the Wise."

2. As-Sunnah:

"عَنْ مِسْوَرِ بْنِ مَخْرَمَةَ رَضِيَ اللَّهُ عَنْهُ (أَنَّ سُبَيْعَةَ الْأَسْلَمِيَّةَ -رَضِيَ اللَّهُ عَنْهَا- نَفَسَتْ بَعْدَ وَفَاةِ زَوْجِهَا بِلَيَالٍ, فَجَاءَتْ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَاسْتَأْذَنَتْهُ أَنْ تَنْكِحَ, فَأَذِنَ لَهَا, فَتَنَكَحَتْ)"

Meaning: "Al-Miswar ibn Makhramah reported that Subai'ah al-Aslamiyah had a few nights of postpartum bleeding after her husband died, so she came to the Prophet and asked his permission to marry. So he gave her permission, and she got married." Narrated by al-Bukhari, and the origin of this hadeeth is in ash-Shahihain.

3. Al-Ijma

The scholars, relying on the Qur'an and as-Sunnah, agreed on the obligation of tiddah for women. This study is discussed further in the next section.

4. Compilation of Islamic Law in Indonesia

As written in Article 153 paragraph 1 as follows:

"For a wife whose marriage is broken, a waiting period or iddah applies, unless *qobla al- dukhul* and the marriage is broken not because of the death of the husband."

Iddah in the View of the Madzhab Ulama

From some differences in the views of the madzhab scholars, in conclusion, they all agree on the law of iddah, which is obligatory. Regarding the purpose and wisdom of iddah, one opinion is complementary to another. As for the legal provisions, all agree with the mandatory order of iddah. The differences that occur revolve around the provisions of the iddah period in each divorced woman's condition. The differences of opinion are as follows:

1. Hanafiyah

- a. The 'iddah of a woman who is divorced from her husband, whether she has had sexual intercourse or not, is four months and ten days and nights. One month may be twenty-nine days, or it may be thirty days. Thus, her 'iddah is about one hundred and twenty-six days.
- b. The Iddah of a woman divorced from her husband according to this madhhab is three *quru'*. *Quru'* is defined as menstruation. The minimum period is three days and the maximum period is ten days.
 - a. The Iddah of a pregnant woman is when she has given birth to a fetus, either in whole or in part.
 - b. The Iddah of a woman who has not menstruated or is no longer menstruating is measured using months, which is three months.

2. Maalikiyyah

- a. The 'iddah of a woman divorced by her husband's death begins from the day of his death, even if she did not know about it. The period is four months and ten days.
- b. The 'iddah of a woman who is divorced from her husband is three menstrual cycles. If she is divorced in a state of purity, then her iddah ends with the third menstruation, while if she is divorced in a state of menstruation, then her iddah ends after the purity of the fourth menstruation.

- c. The Iddah of a pregnant woman is until she gives birth, the earliest of which is six months and the longest of which is four years.
- d. The 'iddah of a woman who has not menstruated, or has not menstruated due to illness, is measured using months, which is three months.

3. Syafi'iyah

- a. The 'iddah of a woman divorced by death is four months and ten days. There are differences in the definition of the phrase "*arba'ah asyhur wa ashra*" which is popularly interpreted as ten days and ten nights. The Shafi'i school of thought defines it as ten days and one night.
- b. The iddah of a pregnant woman ends when she gives birth. If there is more than one child in the womb, then she must wait for all of them to come out.
- c. The Iddah for a living divorce is three *quru'*. This madhhab defines *quru'* as purity. Thus, her 'iddah is at least thirty-two days and two hours if she is divorced while menstruating, and forty-seven days and one hour if she is divorced while menstruating.
- d. The Iddah of a woman who has not or has not menstruated is at least three months.

4. Hambaliyah

- a. The 'iddah of a woman divorced by death is four months and ten days and ten days.
- b. The Iddah of a pregnant woman is until she gives birth, even if she is divorced one hour before giving birth. What is meant by childbirth in this madhhab is the bringing forth of a head, hands and feet, or a lump of flesh that is believed to be a human being.
- c. The iddah of a divorced woman can be divided into two parts: those who have had sexual intercourse and those who have not had sexual intercourse. For those who have not had intercourse, the iddah period is twenty-nine days. For those who have not had sexual intercourse, there is no iddah.
- d. The 'iddah of a woman who has not or has not menstruated is three months and ninety days.

Iddah Provisions in the Understanding of Islamic Family Law Students of UIN Antasari Banjarmasin

Iddah, according to Islamic Family Law students at UIN Antasari Banjarmasin, is a pause period for remarriage after divorce. There are also those who state that iddah is a period in which a person who is left by his or her spouse is given the opportunity to mourn or grieve before starting another marriage.

"Iddah is the waiting period for people who have been divorced, if they want to remarry. Because usually they must still be sad after being divorced or left by their husband or wife died. So there must be an iddah to start a relationship again."

Iddah itself, according to them, aims to ensure that a woman is not pregnant when she wants to get married, so that the child born is clear about the origin of her offspring. Iddah is also considered to honor marriage so that it is not easy to make decisions, so there must be iddah in order to decide something with clarity of thought.

"The goal is to know whether the woman is pregnant or not. If she is pregnant and there is no iddah, her children will not know whose offspring they are. That's why with the commandment of Allah's law to take an iddah first so that you don't just make decisions, there is a pause to think first with a cool head. Sometimes when we are sad, our emotions are not stable, so we like to make bad decisions."

Iddah is something that they believe is directly commanded by Allah SWT. In addition, it has also been further explained in many hadiths and by the majority of scholars. Thus the law of iddah itself is obligatory in accordance with the command of Allah SWT. Observing iddah is the same as observing Allah's decree and is a form of obedience to Him.

"The law is obligatory. It is already in the Qur'an. It's also in the hadith. There are also scholarly opinions. There are many bases that make it obligatory, so it must be done."

"The law of iddah is obligatory. It is mentioned in the Qur'an in surah at-Talaq verse four if I am not mistaken. But there are differences in the times according to the circumstances when she was divorced. What Allah Swt. has decreed is certain to have a wisdom. So it is good to carry out in accordance with the commands of Allah Swt. only because by carrying it out it is a form of obedience to what Allah Swt. commands."

Looking at the results of these discussions and interviews, it can be stated that Islamic Family Law students at UIN Antasari Banjarmasin have a very good understanding of iddah, starting from the definition of iddah, its purpose, and its law. What they still do not understand well is the understanding of the iddah period. Women's iddah itself, as described above, is divided into various types and each has its own iddah period. The IPR students do not fully know all of these periods and the opinions of the madzhab scholars on them.

"I haven't memorized the times for how long."

"I don't know about the total. Anyway, some are three months, some are pregnant and have to wait for the child to be born. I don't know everything by heart. I don't know the opinions of the scholars."

Thus, it can be said that the understanding of IPR students of UIN Antasari Banjarmasin regarding iddah is in the category of moderate understanding. This is because they can understand and then explain well about iddah. It's just that, during the iddah period, they don't know it yet.

CONCLUSIONS

Iddah is a period of waiting for a woman after she has been divorced, during which she is allowed to marry another man. Its purpose is to ensure the emptiness of her womb and to provide an opportunity to mourn and consider the next step. The ruling on iddah is obligatory according to what is written in the Qur'an, as-Sunnah, scholarly consensus, and the laws that apply in the country.

Overall, Islamic Family Law students at UIN Antasari Banjarmasin can be said to have a good understanding of iddah. They can explain well about the definition, purpose, and law of iddah. As for their understanding which is still considered moderate, it is about the iddah periods of each condition.

Bibliography

Aizid, Rizem. 2018. *Complete Family Fiqh*. Yogyakarta: Laksana.

Amir, Ria Rezky. 2018. "Iddah (A Review of Muslim Family Fiqh)", in *Al-Mau'izhah* Journal, Vol. 1, No. 1, September 2018.

Mukhriza, Zumrotul. 2020. "The Maximum Limit of Iddah Period (Five Madzhab Perspectives and Maslahah Mursalah Review)," in *Thesis*, Islamic Family Law Study Program, Faculty of Sharia, UIN Maulana Malik Ibrahim Malang.

Muslimin, Ahmad. 2017. "Iddah and Ihdad of Modern Women", in *Mahkamah* Journal, Vol. 2, No. 2, December.

Saroni, Ade. 2022. *Household Storms and Solutions*, (Yogyakarta: PT Nas Media Indonesia.