

## The Transformation of Iddah Law: Towards Gender Equality and Family Justice in Islamic Society

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### **Abstract**

#### **Keywords:**

*Transformation of Iddah Law, Equality of Parents, Family Justice, Islamic Society*

*This research is intended to offer a strategy for reforming iddah law in improving women's empowerment and family justice. Qualitative research, with the Library Research approach, this study investigates the concept of iddah law, its implementation in society, as well as the obstacles that may be faced, and strategies that can be offered for the renewal of iddah law with a focus on achieving gender equality and family justice. The results of the study show that iddah law has a central role in the structure of Islamic family law, but its implementation can pose challenges related to gender equality. These obstacles include aspects of conservative interpretation, social norms, and resistance to change. The strategy offered is the collaborative involvement of religious institutions, the government through a community education approach to create a more inclusive legal environment and support women's empowerment and family justice. It is hoped that the implementation of this strategy can have a positive impact on changes in social norms, reduce gender inequality, and create a basis for a more equitable family life in the context of Islamic society.*

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## INTRODUCTION

The dynamics of the times have a significant impact on the existence of women. Women are actively involved in various sectors of life, including hard work and hard sports (Arifin, 2012). Women show enthusiasm and determination to not be limited by traditional norms, able to pursue various professions according to their interests and abilities (Magfuroh, 2021).

The inevitability and consequences of the limitations of legal texts both in the Qur'an and hadith along with the complexity of legal issues, the dynamics of Islamic law run in accordance with the development of the times, regions, and conditions. Islamic legal thought is influenced by historical and sociological events for the formation of law (rectsvorming) in providing legal certainty, justice and solving social problems faced (Makhrus, 2019).

Getting legal certainty, justice and answering legal problems is everyone's desire, without exception. So that inequality and discrimination that damage the building of equal social relations are minimized. An interesting issue related to justice in family law is the issue of gender. When a woman experiences a breakup of her marriage due to a divorce or a divorce for death, she must undergo a period of iddah with certain provisions, as stipulated in the Compilation of Islamic Law in such a complex manner, that it does not apply to men. This in a gender perspective is considered discriminatory. Gustav Radbruch argued that philosophical justice, juridical legal certainty, and benefits to sociological society should be core elements in the legal approach to maintaining order in society. In achieving legal goals, priorities between the three basic values need to be determined (Ali, 2017). Justice is considered to be unity in the civilized order of society, and law is created to maintain social relations and achieve the goal of living together (Muzayyidin, 2023). Justice is

considered to be unity in the civilized order of society, and law is created to maintain social relations and achieve the goal of living together.

Iddah in various conventional fiqh (jurisprudence) references, is understood as the waiting period for women after breaking up their marriage, either because of the death of their husband or because of thalaq (divorce) Iddah law, as an integral part of Islamic family law, has a significant impact on women's lives in the context of the family. The law of iddah stipulates a waiting period for a woman after divorce or the death of her husband before she can remarry. Although it has a foundation in Islamic norms, the implementation and understanding of iddah law can vary, and is often faced with issues related to gender justice and women's empowerment. The law of iddah in the perspective of gender equality raises questions about justice and equality. Justice and equality are legal principles and basic concepts that must be fought for, especially for women (Makhrus, 2019).

Several studies on Islamic family law on the study of iddah law with a focus on women's empowerment, and gender perspectives are still limited. This research contributes to the literature on Islamic family law and the study of Islamic feminism. This research aims to explore the strategy of reforming iddah law in improving women's empowerment and family justice. The method in this study is qualitative, with a Library Research approach, namely describing, analyzing, identifying, and making conclusions. Information is studied in a literary manner from valid and relevant scientific sources about iddah law and the concept of justice in Islam.

A deeper understanding of how the reform of iddah law can improve family justice and women's empowerment has significant social relevance. The results of the research are expected to provide a foundation for positive changes in the implementation of iddah law and contribute to the development of more inclusive policies in Islamic society

## RESEARCH METHODS

This research is a normative legal study that uses a juridical-philosophical approach to analyze the transformation of iddah law within a gender justice framework. Data were collected through library research by examining primary legal materials in the form of religious texts and family regulations, as well as secondary legal materials including contemporary literature on women's rights in Islam. Data analysis was conducted qualitatively using descriptive-analytical methods and hermeneutic interpretation to explore the shift in the meaning of iddah from merely a biological waiting period (*istibra' al-rahim*) to a manifestation of the protection of women's civil rights. The use of a gender equality perspective in this analysis aims to reconstruct a legal understanding that is more responsive to the social dynamics of modern Islamic society (Zulyadaini, 2022). Through literature data triangulation techniques, this study ensures that the resulting findings have strong theoretical validity in supporting the principle of family justice (Nasir et al., 2021).

## RESULTS AND DISCUSSION

### The Central Role of Iddah Law in Islamic Family Law

In Islamic family law, the concept of Iddah (waiting period) experienced by a woman after a divorce, life or death, is very important. Abstinence and seclusion serves are intended to determine the presence or absence of pregnancy, provide financial assistance and protection including family, social, and economic rights, provide opportunities for conjugal reconciliation (*ruju'*- allow couples to repair their relationship and reunite), and maintain self-respect. This waiting period, even if a divorce occurs (Machae et al., 2015).

In addition, iddah law has an important role in Islamic family law because it is an important part of the regulations governing the status of women after divorce or death of their husbands. Some of the main roles of iddah law are to provide legal protection and certainty; giving time to adjust to the change in status and prepare for the future; maintain a balance between the right to receive alimony from her ex-husband during the iddah period and the right to remarry after the iddah period ends, as well as her obligations

Moral values, theological values, rights and obligations of women in the iddah period show high flexibility in Islamic family law. The law of iddah guarantees that women are not left without protection and support after the status of the family changes, encouraging justice in family relationships. Efforts to improve and strengthen the legal framework governing Islamic family affairs by ensuring the protection of the rights and welfare of all people, especially women and children (Saefudin et al., 2022). In many Muslim-majority countries, the same is shown, that Islamic law can be applied to address modern social and economic challenges while maintaining the basic principles of Shariah (Saefudin et al., 2022).

The renewal of the iddah law, the waiting period for widows after divorce or their husbands die, is very beneficial to society and the law, including: 1) providing protection for women's rights; 2) helping women to be independent both financially and socially during the iddah period, so that they no longer depend on their husbands or families for their basic needs; 3) building family harmony by providing better legal certainty; 4) the clarity of laws and regulations that support women can improve the psychological impact after divorce or the death of their husbands; 5) Inclusive and comprehensive reform of iddah law, society can better recognize and respect women's rights in Islamic family law.

### **Resistance to the Implementation of Iddah Law on Gender Equality**

The provisions on Iddah that apply in Indonesia have been enshrined in the Compilation of Islamic Law (IPR) and Law No.1 of 1974 concerning marriage. If the marriage ends due to talaq, the husband has the obligation to provide maintenance to the ex-wife, as stipulated in the Compilation of Islamic Law (KHI) Chapter XVII Article 149. KHI Article 80 paragraph (2) and paragraph (4) also stipulates that the husband must protect his wife and meet the needs of household life according to his ability and adjusted to the income of the ex-husband.

Law No. 1 of 1974 concerning marriage, in Article 34 paragraph (1), also stipulates that the husband is obliged to protect his wife and provide the necessities of domestic life according to his ability, although it does not mention the amount of alimony that must be given. If the husband has not paid the dowry (madhiyah maintenance) that is still owed in full, KHI Article 149 stipulates that the husband is obliged to pay off the debt after the divorce. In addition, Article 156 of the KHI states that the cost of hadhanah and child maintenance is the responsibility of the father until the adult child, at least 21 years old. In a situation where the husband or wife divorces for certain reasons, the District Court or the Religious Court may determine the payment of living allowance and the settlement of the joint property. If the marriage ends because of talaq, the ex-husband is obliged to give mut'ah and alimony to his ex-wife during the iddah period, unless the ex-wife has not been intercourse (qobla al-dukhul). The obligation to provide alimony remains valid after the occurrence of talaq, unless the ex-wife acts disobediently (nusyuz), which can lead to the loss of the right to alimony.

Contextually, the law pays attention to the husband's obligation to provide maintenance to his ex-wife and children after the divorce, taking into account the husband's ability and the condition and behavior of the ex-wife (Fitriana, 2019). In the context of Islamic law, iddah

alimony is generally given to wives who get talaq raj'i as compensation for divorce. However, for wives who file a divorce lawsuit and the divorce is decided by the court, this results in talaq bain, which has an impact on the revocation of the right to alimony iddah, unless the wife is pregnant. As the opinion of Imam Shafi'i, Maliki, and Hambali refers to the hadith narrated by Ahmad and Al-Nasa'i which states, "A woman who is entitled to alimony and a place to live (house) from her ex-husband if her ex-husband has the right to refer to her".

Meanwhile, in IPR, article 149 mentions the consequences of divorce due to talaq, where the ex-husband is required to provide alimony, shelter, and clothes to the ex-wife during the iddah period, unless the ex-wife gets talaq bain or nusyuz and is not pregnant. In line with the view of madhhab Shafi'i, which indicates that a wife who is divorced and entitled to receive alimony is a wife who can be referred to or has the status of talaq raj'i. Therefore, for divorce lawsuits that have the status of talaq bain or cannot be referred, they are not entitled to iddah maintenance.

According to the view of Hanafiyah scholars, the separation between husband and wife can be caused by talaq raj'i, talaq bain, or death. If the separation occurs with talaq raj'i, then the wife is still entitled to alimony in all forms. However, if the separation is caused by talaq bain, whether the wife is pregnant or not, the wife is not entitled to alimony for iddah. However, the condition is that the wife does not leave the house designated for her during the iddah period.

The author's opinion is in line with the content of the Supreme Court Circular Letter number 3 of 2018, as a result of the judge's ijtihad because there is no same provision regarding alimony for divorce in laws and regulations, stating that in the case of divorce, the wife is entitled to alimony as long as it is not proven to have committed nusyuz. In accordance with the Compilation of Islamic Law Article 152 which states, "An ex-wife is entitled to receive iddah alimony from her ex-husband unless she is nusyuz." This shows that not all divorce cases can get iddah alimony, because the judge must consider whether the wife in question commits nusyuz or not. Nusyuz wife can be defined as a form of disobedience or iniquity of the wife towards her husband, both in deeds and words, as mentioned in the book Fath Al-Mu'in, that includes nusyuz if the wife refuses or refuses to comply with her husband's invitation, even when she is busy doing something.

Some of the wife's deeds that can be considered nusyuz include: 1). She did not want to move to live in the house provided by her husband. 2). Prohibiting the husband from entering the house of the wife who is inhabited by the two, even though there is prior permission. 3). Refusing the husband's invitation to settle in the house provided without a clear reason. 4). Traveling without her husband or mahram, even if the trip is mandatory like Hajj.

Nusyuz acts that end in divorce, and the ex-wife is not entitled to receive iddah alimony from her husband after the divorce, when the husband performs the following steps: the husband gives good advice to his wife. If the wife continues to commit disobedience, the husband can decide to separate the bed. If the nusyuz act continues, the husband is allowed to give a physical reprimand, provided that he does not hurt his wife. According to Article 152 of the KHI, the husband as the applicant is not required to provide iddah alimony to the wife who is proven to have committed nusyuz (Hikmatiar, 2016).

Then in Law Number 1 of 1974 article 49 letter c it is stated "The court may require the ex-husband to provide living expenses and/or determine an obligation for the ex-wife. This also explains that the court can give a decision to the husband to provide living expenses to the ex-wife after the divorce, both talaq raj'i and talaq bai'in. Because if talaq bai'in is considered the loss

of the ex-wife's right to live expenses after divorce, then men will make it a way to abort women's rights. Therefore, a judge must think intelligently and comprehensively before making a decision by aborting what should have been implemented. If in the judge's opinion there is a clue that the purpose of talaq is to abort alimony and to give up the wife's rights, then it cannot be used as a reference. If that's the case, then he can use it as a reference in aborting alimony (Jaziri, 1999). In this information, it can be seen that past alimony that is not fulfilled by the husband towards his wife can be given to the wife who is talaq bain by the judge's decision.

According to the author, naskah iddah can be given to a former wife who has been divorced, provided that she is not nusyuz and other considerations are met. These considerations include the rights of the woman as a wife during the marriage, which were not fulfilled by the husband prior to the divorce, and which must be addressed through naskah iddah. Essentially, the Supreme Court Circular Letter No. 3 of 2018 regarding the right to naskah iddah in the case of a contested divorce was established to accommodate Supreme Court Regulation No. 3 of 2017, which provides guidelines for adjudicating women's cases and serves as a protection of women's rights (Mahmoud & Al-Rasyid, 2020).

Based on this description, there are at least five obstacles to the implementation of iddah law against gender equality. First, conservatively, Islamic legal texts are the main obstacle to applying iddah law. Iddah law is considered too strict or conventional, which can lead to interpretations that limit women's freedom and rights (Unique, 2016).

Secondly, the presence of strong and conservative social and cultural norms can serve as a significant barrier to changes in the application of iddah law. Communities with specific traditions, or those who feel they have an advantage, may resist or obstruct efforts to reform or advance iddah law in order to achieve gender equality (Mansyuroh & Luthfi, 2022).

Third, legal uncertainty about how iddah law is applied in various jurisdictions or social contexts. This uncertainty can affect the legal protection given to women during the iddah period or their rights after divorce (M. A. Lubis et al., 2020).

Fourth, the lack of public awareness and understanding of women's rights in the context of iddah law can cause implementation to be less effective (Sulistiani & Nurrachmi, 2021). Fifth, sometimes women face difficulties in gaining access to a fair and efficient legal justice system to enforce their rights during iddah, due to social, geographical, or economic factors (Halawati, 2020). A deep understanding of these barriers can provide a foundation for updating the implementation of iddah law to be more inclusive and support gender equality in Islamic society. A deep understanding of these obstacles is key to designing an effective strategy.

### **Implementation Strategy of Iddah Law Transformation for Women's Empowerment**

The transformation of Islamic family law, which is still dominant, comes from salafit turats, oriented to the relevance of the dynamics of the times in this case to increase the empowerment of women in a just and inclusive family life in Islamic family life. The transformation of Islamic family law faces a clash with one of the modern notions such as Feminism in the name of human rights, justice and gender equality.

Feminism (Latin: femina), meaning woman. This word began to be used in the 1890s to refer to the idea of equality between men and women and the struggle to achieve women's rights. Currently, many interpret feminism as a resistance to discrimination against women's rights using the principle of equality between women and men. Feminism is a view that aims to make people aware of the low position of women in society and want to change or improve their condition. Since ancient times, women have always been under the control or subordination of men in

society, making it difficult for them to thrive. Feminism is a movement to change the position of women in society (Satria et al., 2021).

According to Zaini (Zaini, 2014) To realize social equality between men and women, equality is needed so that there is no feeling of superiority on the part of men. Women also have the right to obtain things that men obtain. Liberal feminism rejects views that are considered unfair and unequal in various aspects between women and men (Setiawan & Pratiwi, 2021).

Feminism is a framework of thought that involves advocating for gender equality and the elimination of gender-based discrimination. When reviewing the law of iddah in Islam, there are several aspects that can be analyzed from the perspective of feminism. While this approach can vary, here are some of the correlations that may arise: 1). The balance of power and equality with the existence of feminist theory emphasizes the importance of achieving equality in relationships and daily life. In the context of iddah law, questions can arise about the extent to which the regulation reflects the balance of power between men and women. 2). Women's participation in policy-making is also in feminist theory, emphasizing the importance of women's active participation in policy-making and decision-making processes. In the context of iddah law, whether women have adequate rights and representation in the decision-making process related to iddah regulations can be a relevant question. 3). Individual rights and women's autonomy by fighting for individual rights and women's autonomy. In the analysis of iddah law, attention can be focused on the extent to which these rules respect the rights and decisions of individual women, including the right to decide on their future after divorce or death of their husbands. 5). Protection against violence and exploitation emphasizes the need for protection against violence and exploitation of women. In the context of iddah law, questions can arise about the extent to which these rules involve the protection of women from pressure or exploitation during that period. 5). Flexibility and social context highlight the importance of understanding the social context in assessing legal rules. In the case of iddah, consideration of the flexibility of this rule in accommodating a variety of social and individual situations can be an important consideration.

Article 77 of the KHI reflects the equality and balance of the relationship between husband and wife in the household. Both of them have a noble obligation in building an ideal household, achieving a family of *sakinah*, *mawaddah*, and *rahmah*. A solid household is considered a good foundation of society, so improvements in the family will have a positive impact on the life of the community as a whole. Equality is also seen in the context of mutual love, respect, loyalty, and support both physically and mentally (KHI Article 77 (2). This shows that intimacy and affection in the family are common goals that are the responsibility of husbands and wives in equal proportions. In terms of childcare, the roles of husband and wife are considered balanced, including the physical, mental, intellectual, and religious education of children (KHI Article 77 (3). The involvement of the two in the aspect of parenting is a shared responsibility, and failure or success in parenting cannot be unilaterally attributed to one party.

Household honor is also a joint responsibility of husband and wife (KHI Article 77 (4). If there is negligence in carrying out obligations, both husband and wife can file a lawsuit through the Religious Court (KHI Article 77 (5). Article 78 confirms that husband and wife must agree on their residence, indicating that decisions regarding residence cannot be made by either party. One of the basic principles in Islamic law is that it reflects justice. In the context of iddah law, justice is seen from the perspective of protecting individual rights, including the rights of women who are undergoing the iddah period to have the right to their rights according to the provisions of sharia. Meanwhile, the concept of *rahmah* (affection) is also important. The iddah period

provides the necessary time for emotional recovery and adjustment after divorce or death of the husband, reflecting the rahmah aspect of Islamic law. The spirit of gender equality and justice has been reflected in the KHI. This equality is expected to form a balanced relationship between husband and wife, where both respect each other and do not oppress each other (Zakaria, 2020).

Islamic law considers legal decisions and the value of justice in the concept of *maslahah mursalah*, which is a concept in Islamic law that refers to the general benefit or public interest of the community. Ulama' are very careful in using *maslahah mursalah* as an *argument* (legal argument), so that it does not result in the formation of sharia, based on lust and hidden interests. According to Imam Al-Ghazali, the conditions for *maslahah mursalah* that are used as the basis for the formation of the law are: 1). *Maslahah* is in line with the type of sharia action. 2). *Maslahah* is not contrary to the *nash* of shari'. 3). *Maslahah* is included in the category of *maslahah* that is *daruriyyat*, both regarding personal benefits and the benefit of the public (Huda & Jayusman, 2022; Jayusman et al., 2022).

The correlation between *maslahah mursalah* and iddah law can occur in the context of protecting social and individual interests. In the case of iddah law, there are several aspects of *maslahah mursalah* that can be considered: 1). The welfare of the community by looking at the iddah period provides time for the community to adjust to the change in one's marital status. This can prevent social conflicts and provide stability to society. 2). Women's protection against the law of iddah provides protection to women who have just divorced or lost their husbands. This period provides an opportunity for women to process their emotions, assess the situation, and prevent potential exploitation or pressure in a new marriage. 3). The regulation of social relations during the iddah period allows the community to assess and rearrange social relations with women who have recently experienced divorce or the death of their husbands. This reflects the benefits of *mursalah* by creating social balance and order.

Although there is a correlation between *maslahah mursalah* and the law of iddah, keep in mind that this concept can be interpreted and applied differently by various schools in Islam. Islamic legal approaches to this issue can vary, and interpretation may depend on the legal framework of a particular sect or religious authority followed.

The law of iddah has a theological basis in *the Qur'an* and hadith. This concept highlights the importance of chastity and order in the family. In the modern context, there are efforts to interpret the concept of iddah law by prioritizing the values of gender equality, ensuring that women have equal rights and protection during the iddah period. In a society that increasingly appreciates the value of gender equality, challenges arise in harmonizing iddah law with the principles of equality.

Steps of change and adjustment may be necessary to achieve greater parity. Changes in modern family structures and social dynamics can affect the implementation of iddah law. It is necessary to consider how this law is relevant and can be implemented in the context of diverse families. The renewal of iddah law can be considered relevant in responding to the demands of modern society. Critical thinking and reinterpretation of this concept can pave the way for renewal in accordance with Islamic family values and contemporary needs.

As a circular letter can be interpreted as a letter of introduction to deliver a policy and in its content does not change, add, or annul the regulations it sends, so it does not have an ambiguous (double) meaning as a result of the circular. The running of a policy cannot be seen from one side only, because a policy can be implemented if there is a firm application from a relevant agency to the surrounding community.

The concept and implementation of iddah law in the context of the Islamic family today is an integral part of the social dynamics and evolving norms. This discussion underscores the need for a balance between traditions, religious values, and the demands of modern society. A deep understanding of iddah law and a thoughtful response to social change can form a strong foundation to ensure that it remains relevant, fair, and in accordance with the values of gender equality and women's empowerment in Islamic society.

In order to increase understanding and awareness of the importance of carrying out *ibdad* in accordance with religious provisions, it is necessary to carry out wider education and socialization efforts, especially among working women. This is important so that they can practice *ibdad* correctly and respect religious values related to the period of grief after the loss of their husbands, as stated by Allah in surah Al-Baqarah verse 234

وَالَّذِينَ يَتُوفُونَ مِنْكُمْ وَیَدْرُونَ أَرْوَاجًا یَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا ۖ فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَلَا جُنَاحَ عَلَيْكُمْ فِيمَا فَعَلْنَ فِیْ أَنْفُسِهِنَّ بِالْمَعْرُوفِ ۗ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ

*Those who die among you and leave their wives let them wait for four months and ten days. Then, when they have reached the end, there is no sin for you (the guardian) regarding what they have done to them<sup>71</sup>) in the proper way. Allah knows what you are doing.*

Some forms of prohibition that are expected to be avoided so that slander does not occur for women and often occur are going out of the house during *the iddah* period, using fragrances such as perfume or perfume, doing decorative or dressing up activities, and staying outside the house without urgent needs. In addition, there are also more extreme cases where some women have remarried before their *ibdad* period is over. The situation faced by women during the *ibdad* period makes them trapped in a situation where they cannot follow the provisions and prohibitions of *ibdad* according to some scholars, with the important reason of earning a living and financing their children's education.

Knowledge of *ibdad law* in the social and cultural context is still limited, and there are still many women who do not understand the rules and consequences of undergoing the iddah period. Economic factors also play an important role in the implementation of this *ibdad* legal practice, where urgent daily needs force them to be unable to avoid some of the prohibitions of *ibdad law* that have been determined by some scholars in order to survive.

In addition to the lack of education owned by iddah perpetrators, there are indeed several important reasons why *mu'taddab* implements iddah not in accordance with existing provisions such as the need to take care of children, meet the needs of life or the need to maintain traditions and social attitudes so that they choose to set aside existing laws. Therefore, it is necessary to educate and provide stronger economic support to help reduce the hassle in the implementation of *ibdad* practices and provide better solutions for these women in facing difficult times after the departure of their husbands (Azhari, 2023).

Based on the results of research on increasing education and public awareness related to the concept of iddah law for working women who have lost their husbands due to death, it was found that there are factors that are the main causes of problems that often interfere with the process of implementing iddah practices, namely: 1). Economic Factors: In this context, working women realize that if they just stay at home and carry out the traditional *ibdad* provisions, they will not earn enough to meet their daily needs. Therefore, some of them do not follow the process of implementing *ibdad* practices and continue to work to meet the economic needs of their families. This shows that economic factors are the main obstacle in the implementation of *ibdad* for working women in Cipocok District, Dalung Village, Serang city. They have to face a dilemma



between maintaining family harmony by complying with religious rules or meeting the family's economic needs by not following the process of implementing *ibdad practices*. 2). Factors of Ignorance of Religious Science: The women admitted that they had never heard of *ibdad* in religious studies or lectures. They also do not know how to carry out *ibdad*. They only know about the iddah period or the waiting period after losing their husbands, but their knowledge about the iddah period is also different. Some say 4 months, some say 3 months, and some even say only 40 days. The lack of knowledge and understanding of *ibdad* is a strong reason for working women not to carry out these obligations after losing their husbands. They do not have enough knowledge of this rule and rarely get clear information about *ibdad* in their religious environment. 3). Employment Factors: Many women workers are the subjects of this study, such as teachers, traders, lecturers and factory workers. Even though they are in *ihdad* after losing their husbands, their jobs force them to leave the house. For example, teachers had to keep teaching their students and traders had to trade in order to earn an income. Likewise with women who work in factories, they must be present at the workplace according to the company's demands.

When they leave the house, there are other factors that make them not fully implement the provisions of *ibdad*. They want to stay presentable, use fragrances, and dress up to feel comfortable and not disturb the people around them. In general, the lack of obedience to *mu'taddah* comes from two factors, namely: 1). Internally, such as lack of legal awareness and delving into religious knowledge 2). external, such as the influence of lifestyle habits that grow in their environment, existing customs, economic needs, and the lack of special messages from relevant community leaders for *mu'taddah* who are undergoing iddah.

According to Abu Zahra, the application of iddah is considered *urf* because it is a habit that has repeatedly existed. However, *urf* that grows in the community cannot be followed because it is not in accordance with the *nash*. This is included in the category of *urf fi'liyah* as well as in the category of *urf fasid* because the existing habits are not in accordance with *nash*. For example, in another area, the case of the application of community iddah in Pancakarya Village, Ajung District, that the habit of a *mu'taddah* cannot be agreed upon as a law even though it has been done traditionally so that its existence cannot be justified because what is included in *al-adab al muhakkamah* is a habit that does not deviate from *nash* and must contain *maslahah* so that the habit that is categorized as *urf fasid* should not be continued Growth (Kholifah, 2022).

## CONCLUSION

Islamic family law includes *furu'iyah* which gives birth to pros and cons. The transformation of iddah law in the context of an Islamic family that is just on equal rights is addressed by one side as a positive step and the other party rejects it with arguments based on conservative interpretations of religious teachings. The transformation of Islamic family law in contextual adjustment to answer the challenges and realities of the times, especially iddah law, requires collaborative efforts from various parties, including religious institutions, governments, and civil society, to answer resistance from various factors, such as fanatical attitudes towards the interpretation of the message of revelation, culture, traditions, norms. Strategic steps in the implementation of the iddah law are formulated based on an understanding of the sources of resistance. Strategic steps towards more equitable and contextual implementation, namely strengthening public understanding by improving education, supporting more inclusive interpretations, and addressing gender inequalities towards a more equitable, balanced, and responsive society to the needs of all its members.

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