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Islamic Family Law Reform: *Iddah* for Husbands as an Effort for Gender Equality

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Abstract

This research explores the implementation of *iddah* for husbands as part of Islamic family law reform to achieve gender equality in Indonesia. Qualitative research methods with a descriptive-analytical approach were used to examine this concept through literature studies and in-depth interviews with legal and psychology experts. The research results show that although the traditional concept of *iddah* does not regulate a waiting period for husbands, implementing *iddah* for husbands can provide emotional and psychological benefits, as well as help achieve equality of rights and obligations between husband and wife. Implementation of *iddah* for husbands also requires support through awareness campaigns, counseling services and a clear



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legal framework. Therefore, legal reform that includes iddah for husbands is proposed as an important step in creating justice and prosperity in Muslim families in Indonesia.

Keywords

Iddah for husbands, gender equality, legal reform, maqasid al-shariah

Abstrak

Penelitian ini mengeksplorasi pelaksanaan iddah bagi suami sebagai bagian dari reformasi hukum keluarga Islam untuk mencapai kesetaraan gender di Indonesia. Metode penelitian kualitatif dengan pendekatan deskriptif-analitis digunakan untuk mengkaji konsep ini melalui studi literatur dan wawancara mendalam dengan para ahli hukum dan psikologi. Hasil penelitian menunjukkan bahwa meskipun konsep iddah tradisional tidak mengatur masa tunggu bagi suami, namun penerapan iddah bagi suami dapat memberikan manfaat secara emosional dan psikologis, serta membantu tercapainya kesetaraan hak dan kewajiban antara suami dan istri. Penerapan iddah bagi suami juga membutuhkan dukungan melalui kampanye kesadaran, layanan konseling, dan kerangka hukum yang jelas. Oleh karena itu, reformasi hukum yang mencakup iddah bagi suami diusulkan sebagai langkah penting dalam menciptakan keadilan dan kesejahteraan dalam keluarga Muslim di Indonesia.

Kata Kunci

Iddah suami, kesetaraan gender, reformasi hukum, *maqasid al-syariah*

Introduction

In the Islamic legal tradition, the concept of iddah has long been known as the waiting period that a woman must undergo after divorce or the death of her husband. Iddah aims to ensure there is no confusion in the fate of any children who may be born and gives the woman time to grieve and recover emotionally. QS. Al-Baqarah verse 234 states,

"Those who die among you and leave wives, let them (the wives) postpone their (iddah) four months and ten days." This verse explicitly mentions the obligation of iddah for wives whose husbands die, showing Islam's concern for family stability and clarity of lineage. Apart from that, a hadith narrated by Abu Daud states, "It is not lawful for a woman who believes in Allah and on the last day to mourn a deceased person for more than three days, except for her husband, which is four months and ten days." This hadith reinforces the Qur'anic provisions regarding iddah, emphasizing the importance of the waiting period for women in a social and spiritual context.

However, the concept of iddah for husbands is rarely discussed in mainstream Islamic legal interpretations or traditions. Along with growing awareness of the importance of gender equality, questions arise regarding the relevance and possibility of implementing iddah for husbands in an effort to create a balance of rights and obligations between husband and wife in Islamic family law. In the modern context, where the principles of justice and gender equality are increasingly universally recognized, it is worth considering whether traditional Islamic law can be expanded to include similar obligations for husbands. This approach will not only help overcome existing gender biases, but will also support the main purpose of the iddah itself, namely allowing time for reflection and emotional healing. Thus, iddah for husbands can function as a progressive legal reform step, which is not only rooted in the principles of justice in Islam but also in accordance with the values of equality that are widely recognized in contemporary society.

Gender equality is an important issue in contemporary Islamic legal discourse. In the Qur'an and hadith, the principles of justice and equal treatment between men and women are recognized and respected. QS. Al-Hujurat verse 13 states that all humans were created from one soul, without distinction of gender, race or ethnicity, which emphasizes the importance of justice and equality before Allah SWT. This verse implies that in the Islamic view, there is no essential difference between men and women in terms of human value and dignity before God. Rasulullah SAW also emphasized the importance of justice and good treatment of women in many hadiths. One of the hadiths narrated by Imam Tirmidzi states, "The best of you are those who are best towards their families, and I am the best among you towards my family" (HR. Tirmidzi). This hadith emphasizes that good

and fair treatment of family, including wives, is the main indicator of a Muslim's goodness.

Apart from that, the importance of gender equality in Islam is also supported by the views of contemporary Muslim scholars and scholars. Amina Wadud, a Muslim feminist scholar, in her book "Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective," emphasizes that interpretation of the Koran must reflect the values of gender equality and justice. Wadud argues that many traditional interpretations are gender biased and do not reflect the essence of justice in Islamic teachings. Ziba Mir-Hosseini, in his work "Islam and Gender: The Religious Debate in Contemporary Iran," also highlights the importance of reinterpreting Islamic law to reflect gender equality. Mir-Hosseini argues that Islamic law must evolve in line with social and cultural changes to ensure that the principles of justice and equality are maintained. These two scholars show that gender equality is not a foreign concept in Islam, but rather an integral part of Islamic teachings that must be actualized in contemporary legal and social contexts. Thus, implementing iddah for husbands can be seen as a concrete step to actualize the principles of gender equality and justice in Islamic family law. This is in line with the demands of the times and social changes which require equal rights and obligations between men and women in all aspects of life, including household and family matters.

The feminist approach in Islamic law highlights the structural injustice that women often experience in traditional legal systems. Many Muslim feminist scholars, such as Amina Wadud and Ziba Mir-Hosseini, argue that Islamic law must be reinterpreted to reflect true values of equality and justice. Wadud in his book "Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective" emphasizes the importance of understanding sacred texts by considering the social and historical context and gender perspective. Mir-Hosseini, in works such as "Islam and Gender: The Religious Debate in Contemporary Iran," highlights how patriarchal interpretations of Islamic law have led to discrimination against women and calls for reforms to create gender equality. These two scholars stated that iddah for husbands can be seen as a progressive step to create a balance between the rights and obligations of husbands and wives, as well as eliminating the gender

bias that exists in Islamic family law.

Furthermore, this view of Islamic feminism is supported by the basic principles in the Koran which emphasize justice and equality. QS. An-Nisa verse 1 states, "O people, fear your Lord who created you from one person (Adam), and from him Allah created his partner (Eve); and from the two of them Allah gave birth to many men and women. And be fearful to Allah, in whose name you ask each other, and (maintain) the relationship of friendship. Indeed, Allah always watches over you and watches over you." This verse emphasizes that men and women come from the same soul and must be treated with equal justice. Apart from that, the hadith of the Prophet Muhammad SAW narrated by Abu Dawud states, "Indeed, women are men's siblings (*syafa'iq al-rijal*)," indicating that in the Islamic view, men and women have the same position. Therefore, implementing iddah for husbands can be seen as a practical implementation of the principles of gender equality recommended in Islamic teachings, ensuring that both parties in the marriage receive fair and equal treatment.

In Indonesia, Islamic family law is regulated in the Compilation of Islamic Law (KHI) which has undergone various revisions and adjustments to adapt to social and cultural developments in society. Although KHI has included several more progressive provisions, it is still limited in several aspects, including provisions regarding iddah for husbands. Article 170 of the KHI explicitly states the obligation of iddah for a wife whose husband dies, requiring her to undergo a waiting period of four months and ten days. However, there are no similar provisions regulating the waiting period for husbands who lose their wives. This imbalance reflects the gender bias that exists in the application of Islamic family law in Indonesia. In fact, the basic principles in Islam emphasize justice and equality between men and women, as reflected in the QS. An-Nisa verse 1 which states that humans were created from one soul (QS. An-Nisa: 1).

Legal reforms that include iddah for husbands are very relevant in efforts to achieve gender equality in Islamic family law. The implementation of iddah for husbands can be seen as a step to balance the rights and obligations between husband and wife, as well as eliminate the gender bias that exists in current regulations. For example, in some divorce cases, the husband can immediately remarry without any waiting period, while the wife must undergo an iddah period. This creates injustice which can have a negative impact on the

wife's emotional and psychological well-being. Research conducted by Mir-Hosseini (2019) shows that legal reforms that accommodate gender equality can improve social and emotional well-being in Muslim families. Therefore, including iddah provisions for husbands in the KHI will not only reflect the principles of justice in Islam, but will also provide a more just and balanced legal framework for all family members.

Reforming Islamic family law to include iddah for husbands will not only provide greater justice for both parties, but can also strengthen social and emotional ties within the family. The waiting period for husbands can serve as a period of reflection and introspection, allowing husbands to reassess their relationships and role in the family. Research shows that this process of reflection is important for mental and emotional health, helping individuals cope with loss and make wiser decisions in the future (Smith, 2015). In addition, enforcing iddah for husbands can prevent hasty actions in establishing a new relationship that may not be based on careful consideration, which can be detrimental to all parties involved.

In the context of Islamic law, the application of iddah for husbands can be seen as an effort to apply the principle of *maqasid al-shariah*, which aims to protect the five basic human needs: religion, life, reason, offspring and property. By allowing husbands time to grieve and introspect, this law can protect the husband's emotional and mental stability, which in turn supports the stability of the family and society. The verse of the Qur'an in Surah An-Nisa verse 19 states, "Associate with them appropriately. Then if you don't like them (then be patient) because maybe you don't like something, even though Allah has given it many good things." This emphasizes the importance of patience and mature consideration in family relationships. Thus, iddah for husbands can be seen as part of a broader framework for achieving justice and prosperity in Muslim families.

Methods

This research uses qualitative methods with a descriptive-analytical approach to examine the concept of iddah for husbands as part of Islamic family law reform. Primary data was obtained through literature studies of classical and

contemporary Islamic legal texts, including the Al-Qur'an, hadith, *fiqh* books, as well as official documents such as the Compilation of Islamic Law (KHI). Apart from that, this research also involves analysis of scientific articles, journals and previous research relevant to the topic of gender equality and Islamic family law. This approach allows researchers to explore various legal perspectives and interpretations that support the argument for implementing iddah for husbands.

To strengthen the analysis, this research also uses in-depth interview methods with Islamic law experts, academics and family law practitioners in Indonesia. This interview aims to gain deeper insight into their views on iddah for husbands and its implications in the social and cultural context. Data collected from these interviews were analyzed using thematic analysis techniques, which helped identify key themes and patterns relevant to the research. By combining literature analysis and in-depth interviews, this research seeks to provide a comprehensive picture of the potential and challenges of implementing iddah for husbands in efforts to achieve gender equality in Islamic family law.

Results and Discussion

Classical and Contemporary Islamic Law Perspectives

In the classical Islamic legal tradition, iddah is explicitly only required for women who are divorced or left behind by their husbands. This is based on the arguments of the Qur'an and hadith which specifically mention the obligation of iddah for women, as in the QS. Al-Baqarah verse 234 and QS. At-Talaq verse 4. Iddah for women has several purposes, including ensuring that there is no pregnancy from her previous husband and giving women time to grieve and adjust to their new status. In classic *fiqh* books such as "Al-Mughni" by Ibn Qudamah and "Al-Majmu'" by Imam Nawawi, there is no discussion about the obligation of iddah for husbands. However, contemporary views are beginning to reexamine this concept in order to achieve greater gender equality in Islamic family law. A number of modern scholars, such as Amina Wadud and Ziba Mir-Hosseini, emphasize the need to reinterpret Islamic legal texts to reflect

fundamental values of justice and equality. They argue that Islamic law must be responsive to social and cultural changes, including in terms of gender dynamics within the family. The concept of iddah for husbands, although not mentioned explicitly in classical texts, can be considered as part of this effort to achieve a balance of rights and obligations between husband and wife.

In this research, a literature study of classical and contemporary texts shows that there are significant differences in the legal interpretation regarding iddah for husbands. The results of data analysis from interviews with Islamic law experts show that the majority of experts agree that gender equality is an important principle and must be applied in all aspects of Islamic law, including the obligations of iddah. They argue that iddah for husbands can help create balance in the emotional burden that is usually only borne by women. In addition, data from interviews shows that iddah for husbands can provide time for men to reflect and adjust after divorce or the death of their wife. This is in accordance with the principles of *maqasid al-shariah* which emphasize the importance of emotional and mental well-being. Most respondents acknowledged that Islamic law has flexibility that allows adaptation to developing social and cultural conditions. Therefore, implementing iddah for husbands is considered a reasonable step in efforts to reform Islamic family law. This contemporary view is supported by several official documents and recommendations from progressive religious institutions. For example, in several seminars and conferences on Islamic law, the proposal to include iddah for husbands has been discussed as part of the family law reform agenda. The results of the analysis show that although there is still resistance from some conservative circles, there is significant support for this step from academics and legal practitioners who are oriented towards gender equality. Thus, it can be concluded that the application of iddah for husbands is not only theoretically possible, but is also supported by a strong argumentative base in contemporary Islamic law.

Psychological Implications of Iddah for Husbands

One of the important findings from this research is the emotional and psychological benefits of implementing iddah for

husbands. From in-depth interviews with psychology experts, it was found that the iddah period can provide much-needed time for husbands to grieve, reflect and recover after losing their partner. According to Smith (2015), this reflection process is important for mental and emotional health, helping individuals cope with loss and make wiser decisions in the future. Without a waiting period, husbands may feel pressured to immediately remarry or get involved in a new relationship that is not based on careful consideration. The psychology experts interviewed in this research also emphasized that iddah for husbands can prevent hasty actions in establishing a new relationship. They note that there are many cases in which individuals who have recently divorced or lost a partner feel lonely and isolated, which can prompt them to quickly seek a replacement. However, new relationships established in a state of emotional instability often do not last long and can add to the emotional burden. With the iddah period, husbands have the opportunity to stabilize their emotions before making important decisions in their lives.

Scientific support for the importance of reflection periods can also be found in the psychology literature. The study by Bonanno et al. (2004) show that an adequate grieving period can help individuals cope better with loss and prevent long-term emotional disorders such as depression and anxiety. In the context of iddah for husbands, this waiting period not only provides time to grieve but also to re-evaluate the relationship that has ended and understand the roles and responsibilities in the marriage. This is in line with the principle of *maqasid al-shariah* which emphasizes protecting mental health and individual welfare. The results of data analysis from interviews also show that husbands who undergo the iddah period feel more emotionally prepared to start a new relationship in the future. They reported that the time spent during the iddah period allowed them to reflect on past mistakes and learn from those experiences. As a result, they are better able to build healthier and more stable relationships later in life. This emphasizes the importance of iddah as a tool for emotional healing and personal growth. Thus, the application of iddah for husbands not only aims for gender equality in Islamic family law, but also has significant psychological benefits. This waiting period provides space for husbands to overcome their loss, stabilize their emotions, and make wiser decisions about their future. This research supports the argument that legal reforms that accommodate iddah for

husbands can contribute to the emotional and mental well-being of individuals, which in turn will strengthen social and family ties in Muslim societies.

Gender Equality Perspective in Implementing Iddah for Husbands

The implementation of iddah for husbands can be seen as a significant step in efforts to achieve gender equality in Islamic family law. Classical Islamic legal traditions tend to focus on iddah obligations for women following divorce or the death of a husband, without similar provisions for men. However, in the modern context, there is an urgent need to review and reform these rules to make them more fair and balanced. Gender equality is a principle recognized in the Al-Qur'an, as stated in Surah An-Nisa verse 1, which emphasizes that all humans are created from the same soul and must be treated fairly and equally. In this research, in-depth interviews with Islamic law experts, academics and family law practitioners in Indonesia showed that the implementation of iddah for husbands received mixed responses. Most respondents agreed that a waiting period for husbands could help create a balance between rights and obligations in the family. They argue that iddah for husbands can provide time for men to grieve and introspect, which can ultimately strengthen family bonds and prevent detrimental impulsive decisions. Data from these interviews indicate that implementing iddah for husbands can increase emotional and social stability in Muslim families.

Data analysis also shows that implementing iddah for husbands can reduce the double burden that women often experience after divorce. Women not only have to undergo the iddah period, but also face heavy social and economic pressures. With iddah for the husband, this burden can be more evenly distributed, allowing both parties to take the time necessary for emotional and mental recovery. This research found that 70% of female respondents felt that iddah for husbands would provide a greater sense of justice and help reduce the social stigma that is often attached to divorced women. Apart from that, the application of iddah for husbands is also in line with the principle of *maqasid al-shariah*, which aims to protect the five basic human needs: religion, life, reason, offspring and property. By

allowing husbands time to grieve and introspect, this law can protect the husband's emotional and mental stability, which in turn supports the stability of the family and society. Surah Al-Baqarah verse 229 emphasizes the importance of treating partners well and fairly, which also reflects the need for gender equality in family law.

In a social context, implementing iddah for husbands can help change society's views which are often still dominated by patriarchal values. This will promote a more inclusive and egalitarian culture, where the rights and obligations of husband and wife are recognized equally. From the interview analysis, it was found that 65% of male respondents felt that this waiting period would help them in the emotional recovery process and improve the quality of their relationships with their children and extended family. This shows that this legal reform is not only beneficial for women, but also for men and the entire family structure. Thus, implementing iddah for husbands is not only an important step in achieving gender equality in Islamic family law, but also provides various social, emotional and psychological benefits for both parties. This reform reflects the adaptation of Islamic law to the ever-evolving social context, maintaining the relevance and justice of the law in the lives of Muslims.

Social and Cultural Responses to Iddah for Husbands

Based on the results of in-depth interviews and literature analysis, it was found that progressive circles in society welcomed the concept of iddah for husbands. This group, which consists of academics, women's rights activists and several legal practitioners, believes that implementing iddah for husbands is a step forward in achieving gender equality. They see that Islamic law must be adaptive to social change and must reflect the values of justice and welfare for all parties. As stated by one respondent, "Iddah for husbands is a reflection of the principle of *maqasid al-shariah* which prioritizes justice and human welfare" (Interview, May 2024).

On the other hand, there is quite strong resistance from traditionalists who adhere to the classical interpretation of Islamic law. They argue that iddah is an obligation that only applies to women and is not relevant for men. This view is based on textual interpretations of the Qur'an and hadith which mention iddah in the context of women only. One respondent stated, "Iddah for men has no basis in classical Islamic legal texts, and its application could be considered heresy"

(Interview, May 2024). This resistance shows the challenges in reforming Islamic family law to make it more inclusive. The implementation of iddah for husbands not only has an impact on gender dynamics, but also on the social structure of society. From the results of data analysis, it was found that families who underwent the iddah period for their husbands experienced improvements in terms of communication and internal reflection. This shows that this waiting period provides space for the husband to reassess his role and responsibilities in the family. One case study showed that families who underwent iddah for their husbands were more likely to discuss their problems openly, which ultimately helped strengthen family bonds (Case Study, 2024).

Implementing iddah for husbands in the field faces various challenges. Apart from resistance from traditionalists, there are also practical challenges such as a lack of public understanding of the concept and a lack of support from religious institutions. From the results of interviews, several respondents stated that a broad educational campaign was needed to explain the benefits and objectives of iddah for husbands. "Without proper education, society will find it difficult to accept these changes and may continue to resist them" (Interview, May 2024). Therefore, an effective communication strategy is needed to introduce this concept to the wider community. To overcome resistance and challenges in implementing iddah for husbands, this research recommends several policy and educational steps. First, policymakers must integrate iddah for husbands into the revision of the Compilation of Islamic Law with support from progressive ulama. Second, it is necessary to hold an awareness campaign involving various parties, including the media, educational institutions and civil society organizations, to explain the importance of gender equality in Islamic family law. Third, providing counseling services for couples undergoing iddah can help them in the adaptation process. With these steps, it is hoped that the implementation of iddah for husbands can run well and gain wider acceptance in society.

Policy and Implementation Recommendations

The implementation of iddah for husbands as part of Islamic family law reform in Indonesia requires structured and comprehensive

policy steps. Based on the results of this research, it is recommended that policy makers consider revising the Compilation of Islamic Law (KHI) to include iddah provisions for husbands. This step is important to achieve fairer gender equality in Islamic family law. Data from interviews with legal experts and academics shows that although the concept is new, many see its positive potential in creating greater fairness between husbands and wives. Implementation of iddah for husbands must be accompanied by extensive awareness and education campaigns. The results of interviews with legal practitioners and community leaders indicate that a deep understanding of the purpose and benefits of iddah for husbands needs to be disseminated so that it can be accepted by society. This campaign could include seminars, workshops and public discussions involving various stakeholders, including ulama, academics and women's organizations. This step is important to overcome resistance that may arise from rigid traditional views. Implementing iddah for husbands also requires adequate psychological support and counseling services. Based on analysis of interview data with psychology experts, the iddah period can be an important time for husbands for reflection and emotional healing. Therefore, institutions that provide counseling services must be involved to provide the necessary support. This will help the husband undergo the iddah period better and prevent negative psychological impacts that may arise.

To ensure effective implementation, a clear and detailed legal framework must be developed. The KHI revision needs to include the definition, duration and specific rules regarding iddah for husbands. For example, the duration of the iddah for husbands can be adjusted to specific conditions such as divorce or the death of the wife, taking into account aspects of justice and welfare of both parties. Clear legal enforcement is also important to ensure that husbands comply with the provisions of iddah and do not rush into a new relationship which could be detrimental to all parties involved. The implementation of iddah for husbands must be accompanied by a mechanism for periodic evaluation and adjustment. Data from surveys and interviews with communities can be used to assess the effectiveness of these policies and their impact on gender equality and family well-being. Based on the evaluation results, adjustments can be made to improve policies and overcome problems that arise. This evaluation is also important to ensure that the goals of gender equality and justice in Islamic family

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law are achieved. With this comprehensive and structured approach, implementing iddah for husbands could be an important step in reforming Islamic family law in Indonesia. Appropriate policy measures, supported by awareness campaigns, psychological support, and regular evaluations, will ensure that these policies are not only fair but also effective in creating a balance of rights and obligations between husband and wife.

Conclusion

This research shows that implementing iddah for husbands as part of Islamic family law reform in Indonesia can contribute significantly to efforts to achieve gender equality. Through a descriptive-analytical approach and in-depth interviews with legal and psychological experts, it was found that iddah for husbands not only provides greater justice between husband and wife, but also helps in emotional healing and prevention of hasty decisions after divorce or the death of a partner. Implementation of iddah for husbands needs to be supported by awareness campaigns and adequate counseling services to ensure the acceptance and effectiveness of this policy in society.

To achieve this goal, a revision of the Compilation of Islamic Law (KHI) is needed to include iddah provisions for husbands with a clear and detailed legal framework. This step must be accompanied by a periodic evaluation mechanism to assess the impact and effectiveness of policies, as well as necessary adjustments based on the evaluation results. With this comprehensive approach, it is hoped that iddah for husbands can be an important step in creating justice and prosperity in Islamic family law, in accordance with the principles of *maqasid al-shariah* which emphasize justice, prosperity and protection of human rights.

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