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A Review of the Concept of Iddah from the Perspective of Sheikh Abu Bakar Syatta in the Fiqh Book *Ianatut Thalibin*

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ABSTRACT

Marriage in Islam is a sacred bond that is comprehensively regulated, but when the bond is broken through divorce or the death of the husband, Islamic law stipulates the provisions of iddah as a form of protection of women's rights after separation. This study aims to examine and analyze the concept of iddah from the perspective of Sheikh Abu Bakar Syatta in the fiqh book Ianatut Thalibin, including the definition, legal basis, types of iddah, provisions of ihdad, women's obligations during the iddah period, and differences of opinion between schools of thought regarding the meaning of quru'. This study starts from the assumption that the thoughts of Sheikh Abu Bakar Syatta as a great scholar of the 19th century Shafi'i school offer detailed, comprehensive, and contextual explanations of various iddah issues in real life, as well as relevant to answer contemporary legal challenges. This study uses a qualitative library research method with a normative descriptive-analytical approach. The primary data source is the book Ianatut Thalibin, especially the section discussing iddah, while secondary sources include fiqh books, journals, and related scientific works. The results of the study show that iddah has a strong basis in the Qur'an, hadith, and the consensus of scholars, with different provisions for the period according to the condition of women. The difference in interpretation of the meaning of quru' between the Shafi'i and Hanafi schools is a khilafiyah that both have a strong scientific basis, but the opinion of the Shafi'i school that interprets quru' as a pure period is considered more relevant because it is more in line with the objectives of the iddah law itself.

Kata Kunci:
Iddah,
Syekh Abu Bakar Syatta,
Ianatut Thalibin.

ABSTRAK

Perkawinan dalam Islam merupakan ikatan sakral yang diatur secara komprehensif, namun ketika ikatan tersebut putus melalui perceraian maupun kematian suami, hukum Islam menetapkan ketentuan iddah sebagai bentuk perlindungan hak-hak perempuan pasca perpisahan. Penelitian ini bertujuan untuk mengkaji dan menganalisis konsep iddah perspektif Syekh Abu Bakar Syatta dalam kitab fiqh Ianatut Thalibin, meliputi definisi, dasar hukum, jenis-jenis iddah, ketentuan ihdad, kewajiban wanita selama masa iddah, serta perbedaan pendapat antar mazhab mengenai makna quru'. Kajian ini berangkat dari asumsi bahwa pemikiran Syekh Abu Bakar Syatta sebagai ulama besar bermazhab Syafi'i abad ke-19 menawarkan penjelasan yang rinci, komprehensif, dan kontekstual terhadap berbagai persoalan iddah dalam kehidupan nyata, sekaligus relevan untuk menjawab tantangan hukum kontemporer. Penelitian ini menggunakan metode kepustakaan (library research) yang bersifat kualitatif

dengan pendekatan deskriptif-analitis normatif. Sumber data primer adalah kitab Ianatut Thalibin khususnya bagian pembahasan iddah, sedangkan sumber sekunder meliputi buku-buku fikih, jurnal, dan karya ilmiah terkait. Hasil penelitian menunjukkan bahwa iddah memiliki landasan kuat dalam Al-Qur'an, hadis, dan ijma' ulama, dengan ketentuan masa yang berbeda-beda sesuai kondisi perempuan. Perbedaan penafsiran makna quru' antara Mazhab Syafi'i dan Mazhab Hanafi merupakan khilafiyah yang sama-sama memiliki dasar ilmiah kuat, namun pendapat Mazhab Syafi'i yang mengartikan quru' sebagai masa suci dinilai lebih relevan karena lebih selaras dengan tujuan pensyariatan iddah itu sendiri.

INTRODUCTION

Marriage is one of the primary pillars of human life that is comprehensively regulated under Islamic law. Nevertheless, the marital bond cannot always be maintained, such that divorce becomes a permitted path, albeit one disliked by Allah SWT. In this context, Islamic law has established a set of rules aimed at protecting women's rights after divorce, one of which is the provision concerning iddah.[1]

Etymologically, iddah derives from the word *al-adad*, meaning a count or number. Terminologically, iddah is the waiting period that a woman is obliged to observe after the dissolution of the marital bond whether through repudiation (*talak*), a wife-initiated divorce (khul'), or the death of the husband before she is permitted to remarry another man.[2] The provision of iddah carries very profound wisdom, among others: to ascertain the purity of the womb (bara'ah al-rahim) so that no confusion of lineage occurs, to give the husband the opportunity to reconcile (rujuk) should he have a change of heart, and to give the wife a period of time to observe mourning (ihdad) as a form of respect for the marital bond that has been severed.

Within the treasury of classical fiqh literature, one monumental work that discusses the matter of iddah in depth is the book *I'anah al-Thalibin* by Sheikh Abu Bakar Syatta al-Dimyathi. This book is a *syarah* (commentary) on the book *Fath al-Mu'in* by Sheikh Zainuddin al-Malibari, which is one of the primary references

[1] Wahbah Al Zuhaili, *Fiqh Al Islam Wa Adillatuhu Volume X* (Dimasyq: Dar al Fikr, n.d.)., p. 534.

[2] Amir Syarifuddin, *Hukum Perkawinan Islam Di Indonesia, Antara Fiqh Munakahat Dan Undang-Undang Perkawinan* (Jakarta: Kencana, 2007)., p. 303.

within the Shafi'i school.[3] Sheikh Abu Bakar Syatta, known by his full name Sayyid Abu Bakar Muhammad Syatta al-Dimyathi al-Bakri, was a great scholar of the Shafi'i school who came from Egypt and lived in the 19th century CE. He is known as one of the foremost fiqh authorities of his time, and his works remain to this day a primary reference in various pesantren (Islamic boarding schools) and Islamic educational institutions throughout the world, including in Indonesia.[4]

The thought of Sheikh Abu Bakar Syatta in the book *I'anah al-Thalibin* regarding iddah does not merely repeat existing opinions, but also provides detailed, comprehensive, and contextual explanations of the various issues of iddah that may arise in real life. He discusses various dimensions of iddah, from its types, its conditions, the provisions governing its duration, the obligations and prohibitions during iddah, through to the rights of women who are undergoing iddah. The relevance of the study of the concept of iddah from the perspective of Sheikh Abu Bakar Syatta is further strengthened given that, in this contemporary era, various new problems concerning iddah continue to emerge. For example, the iddah status of a career woman who cannot possibly remain still at home, the iddah of a woman whose husband dies in a distant place, or the matter of verifying the iddah period amid the advances of modern medical science.[5]

This article aims to examine and analyze the concept of iddah as formulated by Sheikh Abu Bakar Syatta in the fiqh book *Ianat al-Thalibin*, encompassing the definition, legal basis, types of iddah, and the wisdom contained therein. This study is not intended to examine every chapter of fiqh within that book, but rather is focused on the discussion of iddah as a scope considered sufficiently representative for displaying the characteristics of Sheikh Abu Bakar Syatta's fiqh thought.[6] This

[3] Syekh Abu Bakar Syatha Al-Dimyathi, *I'anah Al-Thalibin, Juz IV* (Beirut: Dar al Fikr, n.d.)., p. 3.

[4] Masyfuk Zuhdi, *Masail Fiqhiyyah* (Jakarta: Haji Mas Agung, 1991)., p. 78.

[5] Zuhdi., p. 78.

[6] Asmawi Asmawi, "Konseptualisasi Teori Maslahah," *SALAM: Jurnal Sosial Dan Budaya Syar-I* 1, no. 2 (2014), https://doi.org/10.15408/sjsbs.v1i2.1548., p. 52-53.

limitation of scope is undertaken so that the resulting analysis may be in-depth and not spread into other matters outside the bounds of the study.

RESEARCH METHOD

This research is a library research study of a qualitative nature, using a normative method along with a descriptive-analytical approach namely, systematically describing the thought of Sheikh Abu Bakar Syatta regarding the concept of iddah. The secondary data used consists of primary legal materials, namely the book *Ianatut Thalibin ala Halli Alfazh Fathul Muin* by Sheikh Abu Bakar Syatta (Sayyid Abu Bakar Muhammad Syatta al-Dimyati al-Bakri), particularly the section discussing iddah.

Meanwhile, the secondary legal materials are all books and scholarly works concerning the concept of iddah. The secondary legal materials used by the authors in this article are:

1. Legal books or scholarly literature relating to the title and issues to be examined in this article.
2. Scholarly works such as theses, journals, and articles related to this article.

RESULT AND DISCUSSION

A. Biography of Sheikh Abu Bakar Syatta

Sheikh Abu Bakar Syatta was a great scholar whose full name was al-'Allamah Abu Bakar Utsman bin Muhammad Zainal Abidin Syatta al-Dimyathi al-Bakri. He was born in Mecca in 1266 AH/1849 CE, though his exact date of birth is not known with certainty. He came from the Syatta family, known for its scholarship and piety. Sheikh Abu Bakar was a great scholar who resided in Mecca, and at the same time a teacher of scholars of Malay, Indian, and Pakistani descent, as well as most of the people of Mecca and Medina. Among Indonesian students studying in Mecca and Medina at that time, his name was very well known.

Sheikh Abu Bakar Syatta was a scholar of the Shafi'i school who taught at the Masjid al-Haram in Mecca al-Mukarramah at the beginning of the 14th century AH. He was one of thousands of scholars of Ahlussunnah wal Jamaah 'Asya'irah wal

Maturidiyyah who became a reference for scholars across various parts of the world, particularly the Nusantara (Malay Archipelago).[7]

In the "Great Teachers of the Ulama of the Nusantara" series, the Jurnaba Team compiled writings on the great scholars from the land of Hijaz whose knowledge had a great influence on the ulama of the Nusantara. The purpose of this series is simple: to reintroduce the scholars and descendants of the Prophet Muhammad SAW who have rarely been discussed of late. There are in fact many descendants of the Prophet in this world, known as the Sadah lineage. They are known as figures who prioritize knowledge, are humble, and dislike flaunting their lineage identity. Many of them even prefer to be addressed simply as "Sheikh" in order to preserve their humility. One such figure was Sayyidi Sheikh Bakri Syatta.

Sheikh Abu Bakar Syatta was a scholar whose lineage (nasab) traces directly back to the Prophet Muhammad SAW, and he is thus also known as Sayyid Bakri Syatta. It should be noted that, in the 19th century, many descendants of the Prophet used only the title "Sheikh" as a form of modesty. He was also known as a prolific writer. One of his most famous works is the book *I'anah Ath-Tholibin*, a book of explanation on the book *Fathul Muin* by Sheikh Zainuddin Al Malibari. In addition to that book, Sayyid Bakri Syatta also wrote many other works, such as *Kifayatul Atqiya* and *Minhajul Ashfiya*, both of which discuss the science of tasawuf (Sufism), as well as *Ad-Durarul Bahiya fi ma yalzimul mukallaf Min Ulum Asy-Syariah*, which contains the fundamental teachings of Islamic shari'ah that every mukallaf (legally accountable Muslim) is obliged to know.[8]

In addition to writing various books, Sheikh Bakri also left behind a number of treatises containing fatwas and answers to questions that had been put to him. One of his students, Sheikh Abdul Hamid Kudus, mentioned that Sheikh Bakri had in fact begun writing a book of Qur'anic exegesis (*tafsir*). Unfortunately, that book

[7] A. Aziz Masyhuri, *Biografi Ulama Nusantara* (Surabaya: Santri Salaf Press, 2015)., p. 45.

[8] NU Online, "Kitab Kifayatul Atqiya': Mengenal Tarekat Secara Komprehensif," NU Online, 2024, https://nu.or.id/pustaka/kitab-kifayatul-atqiya-mengenal-tarekat-secara-komprehensif-Lrobx.

was never completed, as he was called by Allah before it could be finished. His writing only managed to reach the discussion of Surah Al-Mu'minun. In addition, there is one other work that also went unfinished, namely a Hasyiyah (marginal commentary) on the book *Tuhfatul Muhtaj* by Imam Ibn Hajar Al-Haitami. That writing stopped at the discussion of trade (buying and selling).

Sheikh Abu Bakar Syatta passed away on the 13th of Dzulhijjah, 1310 AH/1892 CE, after completing the Hajj pilgrimage. He was still relatively young 44 years of age by the Hijri calendar and just under 43 years by the Gregorian calendar and he passed away after the time of Dzuhur. His funeral prayer was then held after Asr in an area near the Kaaba, and he was buried in the Ma'la cemetery, the same location as the grave of KH Maemun Zubair, who had passed away several months earlier.[9]

B. Identity of the Book *Ianatut Thalibin*

The book *Ianatut Thalibin 'ala Halli AlFazhi Fayhul Mu'in*, authored by Sayyid Abu Bakar Muhammad Syatta al-Dimyathi al-Makki, is estimated to have been completed toward the end of the 13th century AH, around 1300 AH/1882 CE, and was first printed in Egypt by the Musthafa al-Babi al-Halabi publishing house around the 1300s AH. The best-known and most widely circulated edition within the pesantren world is the Darul Fikr, Beirut printing.

Sheikh Abu Bakar Syatta al-Dimyathi had several strong reasons for writing the book *I'anatut Thalibin*, and these reasons he conveyed directly in the opening section of his book.[10] The first was that many students and scholars requested that he produce a more complete and easily understandable explanation of the book Fathul Mu'in by Sheikh Zainuddin al-Malibari. The second was that the book Fathul Mu'in itself was written in a very dense and concise style, such that it required a more detailed exposition — especially for students in the Nusantara and Southeast

[9] Aliya Wandari Munir, Anggita Putri, "ULAMA-ULAMA PENYEBAR AGAMA ISLAM DI KAWASAN," *Jurnal Multidisiplin Inovatif* 9, no. 12 (2025): 315–322.

[10] Al-Dimyathi, *I'anah Al-Thalibin, Juz I.*, p. 2-4.

Asian regions who had long made that book their primary reference for studying fiqh.[11]

The third reason was Abu Bakar Syatta's desire to preserve and continue the scholarly legacy of the Shafi'i school scholars. For this reason, in composing his book he made extensive reference to major works such as *al-Majmu'* by Imam Nawawi, *Nihayatul Muhtaj* by al-Ramli, and *Tuhfatul Muhtaj* by Ibn Hajar al-Haitami. It is with that spirit that *I'anatut Thalibin* did not become merely an ordinary commentary, but developed into something akin to an encyclopedia of Shafi'i fiqh, rich with various comparisons of opinion and in-depth legal discussion.[12]

The book *I'anatut Thalibin* is a fiqh book that lies fully within the scope of the Shafi'i school. This can be seen from several angles: the book is a hasyiyah on *fathul mu'in*, which is itself a *syarah* on *qurratul ai'n*; all of its legal discussions are based on the mu'tamad (authoritative) opinion of the Shafi'i school, referencing works such as *minhajut Thalibin*; and it consistently cites the opinions of the great Imams of the Shafi'i school, such as al-Rafi'i, Nawawi, Ibn Hajar al-Haitami, and al-Ramli.[13]

The span of time between the book *I'anatut Thalibin* and its parent work, *Fathul Mu'in*, is approximately 323 Hijri years, or roughly 313 Gregorian years. This considerable span of time shows that *I'anatut Thalibin* did not emerge merely as an ordinary commentary, but as a form of renewal of the understanding of Shafi'i fiqh, adapted to the needs of the Muslim community of the 19th century. On the other hand, this also proves that the Islamic scholarly tradition continues to live and develop from generation to generation without ever being severed.

Table of the Identity of the Book *Ianatut Thalibin*

Book Title	:	*Ianatut Thalibin*
Author	:	Sheikh Abu Bakar Syatta
Language	:	Arabic
Publisher	:	Darul Fikr, Beirut: Musthafa al-Babi al-Halabi, Egypt

[11] Azyumardi Azra, *Jaringan Ulama Timur Tengah Dan Kepulauan Nusantara* (Jakarta: Kencana, 2013)., p. 120-135.

[12] Wahbah Al Zuhaili, *Fiqh Al Islam Wa Adillatuhu*, Volume 1, ed. Abdul Hayyie Al Kattani dkk (Jakarta: Gema Insani, 2011)., p. 34.

[13] Al Nawawi, *Raudhah Al Thalibin* (Beirut: Dar al-Kutub al-Ilmiah, 2013).

Pages	:	1503 pages

C. The Systematics the Book of *Ianatut Thalibin*

The subjects discussed in the book Ianatut Thalibin are divided into four volumes covering all matters of fiqh, comprising 1503 pages in total, as set out in the following tables:

Table of the Systematics the Book of *Ianatut Thalibin* Volume 1

No	ANALYSIS	Page
1	Introduction	5
2	Commentator's Introduction	7
3	Basmalah	9
4	**Chapter on Prayer (Salat)**	29
5	Conditions of Prayer	148
6	*Sunnah Ab'ad*	228
7	Invalidation of *Salat*	234
8	Declaring the *Adhan* and *Iqamat*	265
9	(*Sunnah*) *Salat*	282

Table of the Systematics the Book of *Ianatut Thalibin* Volume 2

No	ANALYSIS	HLM
1	Congregational *Salat*	5
2	Jum'at *Salat*	62
3	Funeral *Salat*	122
4	**Chapter on Zakat**	168
5	Discharging Zakat	199
6	**Chapter on Fasting**	242
7	(Sunnah) Fasting	299
8	**Chapter on Hajj**	310
9	What Is Forbidden for One in the State of Ihram	359
10	Words of the Author of the Book	422
11	Bibliography	423

Table of the Systematics the Book of *Ianatut Thalibin* Volume 3

No	ANALYSIS	HLM
1	**Chapter on Sale and Purchase**	5
2	Khiyar Majlis, Conditions, and Option for Defect (*Khiyar Aib*)	33
3	The Ruling on Goods Purchased before Delivery	45
4	Sale of Assets and Harvest Produce	50
5	Setting Out Disagreements between Seller and Buyer	54
6	Loans and Mortgages (Hipotek)	58

7	The Insane Held Until Recovery, and Children Until Coming of Age	83
8	Hawalah	89
9	Wakalah and Qirad	100
10	Compulsory Purchase of What Has Been Sold	127
11	**Chapter on Ijarah**	129
12	**Chapter on A'riyah**	151
13	Setting Out the Ruling on Seizing Property	162
14	**Chapter on Hibah**	168
15	**Chapter on wakaf**	186
16	**Chapter on Acknowledgment**	221
17	**Chapter on Bequest (Wasiat)**	234
18	Requirements in a Will	255
19	**Chapter on Faraid (Inheritance Shares)**	261
20	Setting Out the Root of the Matter	278
21	Setting Out the Ruling on Wadiah (Safekeeping)	284
22	Statement Regarding the Ruling on Found Property	289
23	**Chapter on Marriage**	295
24	Kafa'ah	377
25	Marrying a Slave	389
26	Dower	395
27	Oaths and Marital Disputes	420
28	Khulu'	430

Table of the Systematics the Book of *Ianatut Thalibin* Volume 4

NO	ANALYSIS	HLM
1	Talak	5
2	Ruju'	34
3	The Ruling on Ila'	39
4	The Ruling on Zihar	42
5	Iddah	45
6	Nafakah	70
7	Hadhanah	115
8	**Chapter on Jinayat**	124
9	Murtad	149
10	Hadd Punishments	161
11	Ta'zir	188
12	Infringing Upon the Rights of Others	194
13	**Chapter on Jihad**	205
14	**Chapter on Qada**	239
15	**Chapter on Accusations and Evidence**	283
16	Concerning the Response to Accusations and Related Matters	297

17	Testimony	313
18	Concluding Remarks on Oaths	345
19	**Chapter on Manumission of Slaves**	368

D. The Concept of Iddah from the Perspective of Sheikh Abu Bakar Syatta in the Book *Ianatut Thalibin*

In general, the material contained in the book *Ianatut Thalibin* broadly encompasses discussions of fiqh, such as worship (*ibadah*), transactions (*muamalah*), marriage law (*munakahat*), and criminal law (jinayat). However, the focus of the authors in this article is the thought of Sheikh Abu Bakar Syatta concerning marriage-law *fiqh* (*fiqh munakahat*) regarding iddah, which the authors will set out as follows.

1. The Meaning and Basis of Iddah

The linguistic meaning of iddah is derived from the word العدد, meaning number, while according to *syara* (Islamic law) it is the grace period during which a wife is not to make a (new marriage) calculation, counted from the time she separates from her husband whether due to *talak*, *fasakh*, or death.[14] The purpose of *iddah* is to ascertain that the womb is free of pregnancy, or to demonstrate how serious and exalted the marital bond and marital relations are in Islam, or also for *ta'abbud* (having the value of worship) and to mourn the death of the husband.[15] *Ta'abbud* is something whose meaning whether as an act of worship or not cannot be fully grasped by reason. Originally, iddah was legislated to ascertain *bara'atur rahim* (the cleanliness of the womb from any fetus), so that no confusion of lineage occurs, and as an act of worship in carrying out Allah's command toward Muslim women.[16]

The obligation to observe the iddah period can be seen from several verses of the Qur'an. Among them is the word of Allah SWT:

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[14] 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., p. 129.

[15] Khairatun Nisa, Muhammad Amar Adly, and Heri Firmansyah, "Kaidah Fiqhiyyah Yang Berkaitan Dengan Masalah 'Iddah," *Albayan Journal of Islam and Muslim Societies* 1, no. 02 (2024): 60–74.

[16] Rusdaya Basri, *Fikih Munakahat 2* (Parepare: IAIN Parepare Nusantara Press, 2020)., p. 111.

والمطلقات يتربصن بأنفسهن ثلاثة قروء

Meaning: "*Divorced women shall wait, keeping themselves apart, three quru"*(QS. al-Baqarah: 228).

واللاتى يئسن من المحيض من نسائكم أن ارتبتم فعدتهن ثلاثة أشهر واللاتى لم

يحضن وأولت الأحمال أجلهن أن يضعن حملهن

Meaning: "*And those of your women who have despaired of menstruation (menopause), if you are in doubt [about their iddah], their iddah is three months; and (the same) for those who have not (yet) menstruated. And for those who are pregnant, their term is until they deliver their burdens*". (QS. At-Talak: 4)

والذين يتوفون منكم ويذرون أزواجا يتربصن بأنفسهن أربعة أشهر وَّعَشْرًاۚ

Meaning: "*Those who are taken in death among you and leave wives behind they, (the wives, shall) wait four months and ten (days)"*(QS. al-Baqarah: 34).

Among the hadiths of the Prophet SAW commanding the observance of the iddah period is that reported by Aisyah according to the narration of Ibn Majah, which reads:

عن عائشة رضي الله عنها قالت: أمرت بريرة أن تعتد بثلاث حيض

"*Sayyidah Aisyah said: The Prophet SAW commanded Burairah to observe her iddah for three menstrual periods*".

As for a woman who is divorced before the marriage is consummated, she is not obliged to observe iddah, as stated in the word of Allah SWT:

يأأيها الذين أمنوا إذا نكحتم المؤمنات ثم طلقتموهن من قبل أن تمسوهن فما لكم

عليهن من عدة تعتدونها

Meaning: "*O you who have believed, when you marry believing women and then divorce them before you have touched them, then there is not for you any waiting period to count concerning them.* (QS. al-Ahzab: 49).[17]

2. Provisions of Iddah

A man is not permitted to derive enjoyment (from a divorced wife) while she is still within the state of iddah, until that iddah is completed whether through childbirth or otherwise. Ibn Hajar al-Haitami stated: "And it is for this reason that the opinion is held that it is unlawful for the man to look at her, even without desire, and unlawful for him to be in seclusion (*khalwat*) or alone with her." Thus, if a woman is divorced by a husband who is still alive, and because of a putative sexual relation (*watha syubhat*) occurs, then an iddah of three *quru*' is obligatory, and the *quru*' meant here is two periods of menstruation, or the interval between menstruation and post-partum bleeding (*nifas*).[18] As for the provisions of iddah, there are several types, namely:

a. The iddah provision for a free woman who menstruates normally. The obligatory iddah provision for a free woman who menstruates normally is found in the book *Ianatut Thalibin*, page 175, stating that her iddah is three *quru'*, based on the word of Allah SWT explained in Surah al-Baqarah verse 228, that a woman divorced by her husband while in the final part of her period of purity or while her period of purity is still briefly continuing that is counted as one *quru'*. This is because the absolute meaning of "period of purity" encompasses a period of purity even if only momentary, even if, during that brief period of purity, the woman has just finished being intimate (with her husband). Or, if the woman is divorced during the final part of her menstruation, then her iddah period ends upon the fourth [menstrual] discharge. This final menstrual discharge itself is not counted

[17] Husnul Khitam, "Nafkah Dan Iddah: Perspektif Hukum Islam," *Az Zarqa'* 12, no. 2 (2020): 189–205.

[18] Syekh Zainuddin al-Malibari, *Fathul Mu'in Bi Sharh Qurratul 'Ain Bi Muhimmat Al-Din*, ed. Aliy As'ad (Kudus: Menara Kudus, 1980)., p. 174.

as part of the iddah period, but its occurrence is what causes the iddah period to come to an end.[19]

b. The iddah provision for a woman who has never menstruated. In *Ianatut Thalibin*, page 176, her iddah is 3 qamariah (lunar) months, provided the divorce did not occur in the middle of a month. If, however, the divorce occurs in the middle of a month, then the remaining days until the end of that month are first completed to make up 30 days (before the 3-month count begins). Meanwhile, the iddah for a free woman who previously menstruated but whose menstruation has ceased due to her age, or menopause, is likewise 3 qamariah months. This age is 60 years, though some say 50 years. If a woman who had never menstruated experiences menstruation in the middle of her iddah period which was initially calculated by the month then it changes to an iddah calculated by *quru'*. Or, if that woman experiences menstruation after her iddah period [has ended], then she need not begin her iddah period again with a *quru'* count — unlike the case of a woman who has reached menopause. Likewise, if a divorced woman who previously used to menstruate then has her menstruation cease without a known cause, she is not permitted to remarry until she menstruates again, and observes her iddah by the *quru'* count, or becomes menopausal and observes her iddah by the month count. As for a woman who knows the cause of the cessation of her menstruation — for instance, a nursing mother, or illness — then by the consensus of the scholars, she is not permitted to marry until her menstruation returns, or until she becomes menopausal, however long that period may be.[20]

c. The iddah provision for a woman whose husband has died. For a woman whose husband has died, according to the book *Ianatut Thalibin*, page 178, her iddah period is 4 months and 10 days, including the nights, even for a free woman in the state of revocable divorce (talak raj'i) who has never been

[19] Saefi, "Iddah Dalam Mazhab Fiqih Dan Perundangan Indonesia.", p. 132-133.
[20] al-Malibari, *Fathul Mu'in Bi Sharh Qurratul 'Ain Bi Muhimmat Al-Din*., p. 176.

intimate with her husband due to being underage or for some other reason.[21] This also includes a woman who has *quru'* (periods of purity), based on the Qur'an and hadith. Furthermore, a woman whose husband has died is obliged to observe ihdad in the manner prescribed. This is based on the agreed-upon (Muttafaq Alaih) hadith;

لايَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ تُحِدُّ عَلَى مَيِّتٍ فَوْقَ ثَلَاثٍ إِلَّا عَلَى زَوْجٍ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا

Meaning: "*It is not lawful for a woman who believes in Allah and the Last Day to observe mourning for a deceased person for more than 3 days, except for a husband, in which case it is permitted for 4 months and 10 days*".

d. The iddah provision for a woman who is not free (i.e., a slave). For a woman who is not free, her iddah is half that of a free woman, namely two months and five days. This is because the rulings applicable to a woman who is not free are, for the most part, half of those applicable to a free woman. However, not all female slaves observe an iddah of half that of a free woman. If the female slave holds the status of *ummu walad* (a slave who has borne her master's child), then her iddah is the same as that of a free woman. Among the hadiths of the Prophet explaining this is the narration of Ibn Majah from Amr bin Ash:

لا تفسدوا علينا سنة نبينا محمد ص.م. عدة أم الولد أربعة اشهر وعشرا

Meaning: "*Do not corrupt for us the sunnah of our Prophet Muhammad SAW. The 'iddah of an ummu walad is four months and ten days*".[22]

e. As for a pregnant woman, whether free or not free, her iddah is until she gives birth. Even if what is born from the womb is a lump of flesh that could have become a human being had it lived, the iddah is not considered ended merely by the expulsion of a lump of blood.

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[21] Mohammad Shodiqin, "IMPLEMENTASI KETENTUAN MASA IDDAH WANITA MENOPAUSE DI KABUPATEN KEDIRI," *Al-Syakhshiyyah: Jurnal Hukum Keluarga Islam Dan Kemanusiaan* 6, no. 2 (2024), https://doi.org/https://doi.org/10.30863/as-hki.v6i2.7288., p. 205.

[22] Mahmudi Hanafiah, "'Iddah Perempuan Kematian Suami:(Analisis Hadis-Hadis Tentang 'Iddah Karena Kematian Suami)," *Ameena Journal* 2, no. 1 (2024): 35–50, https://ejournal.ymal.or.id/index.php/aij/article/view/50.

3. Ihdad

Ihdad is obligatory for a wife whose husband has passed away, even if she is still young; *ihdad* means refraining from adorning oneself with conspicuous clothing as an ornament, even if that clothing is of coarse fabric. However, it is permitted to wear dyed silk fabric. The meaning of ihdad also includes refraining from wearing fragrant perfume, even at night, and refraining from wearing gold or silver ornaments during the day even in the form of a ring or earrings or wearing them covered by clothing, because there is a proof-text prohibiting it.

Included within the meaning of gold and silver ornaments are items plated with gold or silver, pearls, diamonds, and all kinds of gemstones used as ornaments, including gemstone jewelry such as agate, as well as copper or ivory, if the woman is among those who customarily use copper or ivory as an item of adornment. Also included within ihdad is refraining from applying kohl with itsmid (antimony), even for one with dark skin, and refraining from applying hair oil and oil to the entire body. She is permitted to bathe and to wash away bodily impurities, and she may also chew betel leaf if she wishes.

As for a woman who has been irrevocably divorced (*talak bain*), whether through *khulu'* or *fasakh* or triple *talak*, then the ruling on *ihdad* is sunnah (recommended, not obligatory). This is because her adorning herself does not lead her into any harm; likewise, ihdad is sunnah for a woman undergoing a revocable divorce (*talak raj'i*), if she does not hope, by adorning herself, that her husband will return to her.[23]

According to Imam Syafi'i, the mourning period does not require staying in the woman's own house, but she may stay in any house agreed upon by her husband's family. Imam Syafi'i further adds that mourning pertains to the body namely, by refraining from bodily adornments that are intended, or that arouse desire. A woman may not leave the house to go to places of immorality; a woman may leave the house to go to safe places and when there is an important need.

[23] al-Malibari, *Fathul Mu'in Bi Sharh Qurratul 'Ain Bi Muhimmat Al-Din*., p. 179-180.

This is based on a story about a woman who left the house to gather dates. A man then forbade her from leaving the house to do so, whereupon the woman came and presented herself before the Messenger of Allah SAW. This hadith comes from the companion Jabir bin Abdillah. He said: "*My aunt was divorced, and one day she wished to pick her dates. A man then rebuked her, telling her not to leave the house. My aunt then went to the Messenger of Allah SAW to ask about this matter. The Messenger of Allah SAW then said, "Certainly, go and pick your dates; perhaps you may give charity or do some good with them*". (Narrated by Muslim)[24]

As for a woman who has been irrevocably divorced (*talak bain*), whether through *khulu'* or *fasakh* or triple *talak*, then the ruling on *ihdad* is sunnah. This is because her adorning herself does not lead her into any harm; likewise, ihdad is sunnah for a woman undergoing a revocable divorce (*talak raj'i*), if she does not hope, by adorning herself, that her husband will return to her.

4. Obligations for a Woman Observing Iddah

A woman who is undergoing the iddah period whether because her husband has died, because of an irrevocable divorce (*talak bain*), or because of *fasakh* is obliged to remain in the residence in which she was living at the time of that event, until her iddah period is complete.[25] During the iddah period, the woman is still permitted to leave the house during the day for purposes such as purchasing food supplies or trading in order to meet her living needs. However, she may not go out at night, even if night has only just begun. Even so, the scholars grant leniency in certain circumstances for example, if she needs to go to a neighboring house for purposes such as weaving clothing or discussing something important.

This leniency nonetheless has its limits, namely that it is only to the extent needed to meet her purpose. In addition, she must also avoid speaking or joking with men who are not her mahram (non-marriageable kin). Most importantly, she

[24] Ahmad Khoiri and Asyharul Muala, "'Iddah and Ihdād for Career Women from Islamic Law Perspective," *Journal of Islamic Law* 1, no. 2 (2020): 256–73, https://doi.org/10.24260/jil.v1i2.71., p. 263.

[25] M. Tatam Wijaya, "Hak Dan Kewajiban Perempuan Selama Masa Iddah," NU Online, 2019, https://islam.nu.or.id/nikah-keluarga/hak-dan-kewajiban-perempuan-selama-masa-iddah-DE3LX.

remains obliged to return to her own house to spend the night, and is not permitted to stay overnight at someone else's house.

As for a woman who is undergoing the iddah of a revocable divorce (*iddah rajiyyah*) that is, an iddah arising from a *talak* in which the husband may still reconcile (*rujuk*) the rules are far stricter. She is not permitted to leave the house except with the permission of the husband who divorced her, or in a genuinely urgent emergency. This is because, during *iddah rajiyyah*, the husband remains obligated to bear the full cost of his wife's living expenses, just as when they were still fully husband and wife. The same provision also applies to a woman who has been irrevocably divorced (*talak bain*) but is pregnant, in which case she too is bound by similar rules in order to safeguard her rights and obligations during the course of the iddah period.[26]

A woman undergoing the iddah period, whether due to the death of her husband or for some other reason, is obliged to remain in the residence determined by her former husband. However, under certain conditions, she is permitted to leave that residence and move to another place. Conditions that permit such relocation include, among others, when she feels her safety is threatened whether her own safety or that of her children. The same applies if she is concerned about her property, which might be at risk of being lost or damaged. From the standpoint of the physical condition of the house, she is also permitted to move if the house she occupies is on the verge of collapse, at risk of fire, or frequently entered by thieves such that it is no longer safe to inhabit.

Beyond these reasons, the psychological distress she experiences due to the troublesome and burdensome attitude of neighbors toward her daily life is also considered a valid reason for relocating her place of residence. Although a woman undergoing iddah is, in principle, not permitted to leave the residence that has been determined for her, if existing conditions already threaten her life, her children, her

[26] Ulin Nuha, "Analisis Pendapat Madzhab Hanafi Tentang Iddah Wanita Yang Belum Haid (Studi Kitab Bada'i Al-Shona'i Fi Tartibi Al-Syaro'i)" (Universitas Islam Negeri (UIN) Walisongo, Semarang, 2016)., p. 27.

property, or her peace of mind, then the *shari'ah* grants her a concession to move to a safer place in order to safeguard her welfare.[27]

5. A Woman's Declaration Regarding the End of the Iddah Period

A woman's declaration regarding the end of her iddah period can be accepted and deemed valid, even if it actually contradicts what is generally customary, and even if her former husband does not believe her. This is because directly proving what occurs within a woman's womb is indeed very difficult to do from the outside, such that the woman herself is considered the one most knowledgeable of, and most trustworthy in, describing her own condition.

The shortest possible time period by which the iddah period may end through childbirth is six months plus two *lahzah*, one *lahzah* being measured during the process of intercourse, and one further *lahzah* measured during the process of delivery. Meanwhile, for a free woman divorced during a period of purity, whose iddah period is calculated based on three *quru*, the shortest possible time by which her iddah may be completed is one *quru* plus thirty-two days and two *lahzah* — one *lahzah* at the start of the first *quru*, and one further *lahzah* upon the appearance of a drop of blood.[28] Meanwhile, for a woman divorced while menstruating, the shortest possible period for the ending of iddah is forty-seven days plus one *lahzah*, namely the *lahzah* upon the appearance of the first drop of blood.

For a woman who states that her iddah period has ended, it is strongly recommended that she reinforce her statement with an oath. However, if a woman has (already) married another man, and afterward claims that her iddah period from her first husband had, in fact, not yet ended, then such a claim cannot be accepted. This is because her act of marrying someone else indirectly indicates that she herself acknowledged that her iddah period had ended, such that a statement to the contrary is considered inconsistent with the act she has already performed.

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[27] al-Malibari, *Fathul Mu'in Bi Sharh Qurratul 'Ain Bi Muhimmat Al-Din*., p. 182.

[28] Dri Santoso, "PEMIKIRANIMAM SYAFI'I TENTANG KETENTUAN QURU' DALAM SURAT AL-BAQARAH AYAT 228 DAN RELEVANSINYA," *Jurnal Mabahits; Jurnal Hukum Keluarga* 2, no. 01 (2021): 13–28.

If a woman is divorced by her husband, and she then claims that she was still intimate with her husband after that divorce was pronounced, while her husband denies this, then in such a situation the husband's denial, accompanied by an oath, will be upheld. The reason is that the original legal presumption is that a woman who has been divorced may no longer be intimate with her former husband. Nevertheless, that woman remains obliged to undergo the iddah period as a consequence of her own admission, and that obligation does not lapse even if she subsequently withdraws that admission.[29]

Furthermore, for a woman undergoing *iddah rajiyyah*, her *iddah* period may be interrupted if *mukhalatah* occurs that is, when the husband who divorced her engages in khalwat, or being alone together with her, in circumstances in which intercourse would be possible, even for only a brief time, whether or not intercourse actually occurs. However, if that *mukhalatah* has ended and the husband no longer intends to return to that woman, then the woman may continue the remainder of her iddah period that had already elapsed prior to the *mukhalatah*. This is based on the legal ambiguity surrounding the existence of a marital relationship, or sleeping under the same cover.

Likewise, if in the middle of her iddah period that woman is married by another man, then the period of living together with the second husband is not counted as part of the *iddah*. However, the iddah period that had already elapsed beforehand does not become void, such that when the life together with the second husband has ended, she may resume and count the remaining iddah that had elapsed previously. As for the periods of time falling between several instances of *khalwat*, these are not counted as part of the *iddah* period.

In such circumstances, the first husband no longer has the right to reconcile (*rujuk*) with her, according to the strongest opinion, even though her iddah period has not fully ended. In line with this, the opinion upheld by al-Bulqini states that the husband is no longer obligated to bear the woman's living expenses once the

[29] Zakiyah Hayati, "Pengaturan Talak Dan 'Iddah (Studi Komparatif Prespektif Fikih Empat Mazhab Dan Kompilasi Hukum Islam (KHI))," *Qiyas* 2, no. 1 (2017): 49–59.

iddah period has elapsed, and this opinion is reinforced by other scholars, affirming that there is likewise no longer any mutual right of inheritance between the two of them.

As for cases in which two iddah periods are combined for one woman for example, when a man has intercourse with a woman who is undergoing iddah rajiyyah absolutely, or due to a legal ambiguity in having intercourse with a woman undergoing iddah bain it is sufficient for her to observe only the final of the two iddah periods. Thus, that woman begins counting her iddah period from the completion of that act of intercourse, and the remainder of the first iddah may be counted within it.

However, if that man continues to repeatedly have intercourse with her, then the woman must restart her iddah count from the beginning each time that act of intercourse is completed. In such a condition, there is no longer any right of rujuk for the husband, except if a portion of the first iddah period that has not yet elapsed still remains.[30]

6. The Difference of Opinion Regarding the Meaning of "*quru*" between the Shafi'i School and the Hanafi School

In understanding iddah with 3 *quru*, they differ in their interpretation of the meaning of that term *quru*.

Imam Syafi'i interprets the word *quru'* to mean the period of purity, not the period of menstruation. This opinion is based on grammatical analysis of the Arabic language, in which the number word (*'adad*) used in the verse takes the muannats (feminine) form, namely *tsalātsah*. Under the rules of Arabic grammar, when a number word takes the muannats form, the noun being counted (*ma'dud*) must take the mudzakkar (masculine) form.

The word that satisfies this condition is *al-thuhru* (period of purity), not *al-haidhu* (period of menstruation), which is in fact of the muannats gender. From this, Imam Syafi'i concludes that what is meant by *quru'* in this context is the period of purity between two menstruations. According to Imam Syafi'i, *Quru* means Purity.

[30] al-Malibari, *Fathul Mu'in Bi Sharh Qurratul 'Ain Bi Muhimmat Al-Din*., p. 189-190.

As for the basis of Imam Syafi'i's understanding of *Quru*, it is as follows:
The Qur'anic proof is explained in Surah At-Talaq, verse 1:

يَٰٓأَيُّهَا ٱلنَّبِيُّ إِذَا طَلَّقْتُمُ ٱلنِّسَآءَ فَطَلِّقُوهُنَّ لِعِدَّتِهِنَّ وَأَحْصُواْ ٱلْعِدَّةَۖ وَٱتَّقُواْ ٱللَّهَ رَبَّكُمْۖ لَا تُخْرِجُوهُنَّ

مِنۢ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّآ أَن يَأْتِينَ بِفَٰحِشَةٖ مُّبَيِّنَةٖۚ وَتِلْكَ حُدُودُ ٱللَّهِۚ وَمَن يَتَعَدَّ حُدُودَ ٱللَّهِ فَقَدْ

ظَلَمَ نَفْسَهُۥۚ لَا تَدْرِي لَعَلَّ ٱللَّهَ يُحْدِثُ بَعْدَ ذَٰلِكَ أَمْرًا

Meaning: "*O Prophet, when you [Muslims] divorce women, divorce them for their (prescribed) waiting period and count the waiting period, and fear Allah, your Lord. Do not turn them out of their houses, nor should they [themselves] leave, unless they commit a clear immorality. And those are the limits of Allah. And whoever transgresses the limits of Allah has certainly wronged himself. You know not; perhaps Allah will bring about after that a (different) matter*".

That verse explains that the process of divorcing a wife must be carried out at the proper time namely, when the wife's iddah period has just begun. This means that the talak pronounced is immediately counted as part of the wife's iddah period. This type of talak falls under talak sunni that is, talak pronounced in accordance with the guidance of the shari'ah. Within the context of talak sunni, a talak that immediately enters into the iddah count occurs when the husband pronounces talak upon a wife with whom he has not yet been intimate.

Therefore, the calculation of the iddah period in this condition uses three periods of purity, not three periods of menstruation. From this it can then be understood that the word *quru'* in this instance carries the meaning of purity, not menstruation. And in the hadith, Imam Syafi'i said that Malik related to us from Nafi' ibn Umar that he (Ibn Umar) divorced his wife during her menstrual period this event occurred while the Prophet was still living whereupon Umar asked the Prophet about the matter, and the Prophet answered:

عَنْ نَقِيعِ ابْنُ عُمَرَ – رَضِيَ اللهُ عَنْهُ قَالَ رَسُولُ اللهِ – صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ مْرْهُ فَلْيُرَجِعْهَا ثُمَّ

ليُمسكها حتى تطهر ثُمَّ تَحِضُ ثُمَّ تَطهر ثُمَّ انْشَأَ أَمْسَكَ بَعْدَ أنشأ طلقها قَبْلَ أَنْيَمَسَّ فَتِلْكَ

الْعِدَّةَ الَّتِي أمر الله انتطلق لها نِسَا رَوَاهُ إِمَامُ مَالِكَ

Meaning: "*From Nafi' Ibn Umar ra. The Messenger of Allah SAW said: Command Ibn Umar to take his wife back [in reconciliation], then let him keep her until she is free from menstruation (pure), then she menstruates, then becomes pure again after that; he may then continue the marriage, or, (if he wishes) to divorce her, let him do so before intercourse that is the 'Iddah which Allah has ordained for husbands who wish to divorce their wives*".

The meaning of the above hadith is that a woman should be divorced while she is in a state of purity, not while she is menstruating. Abu Bakar bin Abd Rahman explained, "We have never found a single one of our fuqaha (jurists) but that all of them say that *Quru'* means purity." If a man divorces his wife at a time when she is pure and has not yet been intimate with her during that period of purity, then that is counted as one instance of purity, even if that period of purity lasts only a moment or an instant. Then comes the second period of purity, after she menstruates. If she then sees blood during her third menstruation, then she has emerged from the period of 'Iddah.

فإذا طهرت فَلْيُطْلِقَ أَوْ لِيُمْسِكْ

Meaning: "*If the woman has become pure (finished menstruating), then the husband may either divorce her or retain her*".[31]

As for Imam Hanafi, he interprets *quru* as meaning menstruation, not purity, for the following reasons:

1) Iddah was legislated in order to ascertain the emptiness of the womb of any pregnancy, and what indicates the emptiness of the womb of any pregnancy is menstruation.
2) The saying of the Prophet SAW: دعى الصلاة ايام اقرائك ("Leave off prayer during the days of your *quru'*"), meaning during your menstruation, since prayer is forbidden during menstruation.
3) Surah at-Thalaq, verse 44:

[31] Santoso, "PEMIKIRANIMAM SYAFI'I TENTANG KETENTUAN QURU' DALAM SURAT AL-BAQARAH AYAT 228 DAN RELEVANSINYA."

والىء يئسن من نسائكم ان اتبتم فعد تهن ثلاثة اشهر

This shows that the iddah period is calculated on the basis of a certain number of menstruations, not on the basis of a certain number of periods of purity.[32]

CONCLUSION

Based on the discussion of the issue set out above, the authors conclude that iddah is an obligation with a strong basis in the Qur'an, hadith, and the consensus (*ijma'*) of scholars, with differing provisions for its period according to the woman's condition whether due to talak, the death of the husband, or pregnancy. During the iddah period, a woman is obliged to observe *ihdad*, to safeguard her personal dignity, and to remain residing at her husband's residence, while a woman's declaration regarding the end of the *iddah* period may be accepted as a valid statement so long as it does not contradict prevailing custom. As for the difference of opinion between the Shafi'i School and the Hanafi School regarding the meaning of *quru'*, this is a *khilafiyah* for which both sides have a strong scholarly basis; however, the opinion of the Shafi'i School, which interprets *quru'* as the period of purity, is considered more relevant, as it more accurately reflects the condition of a womb that has been cleared of the husband's seed, and is in keeping with Allah SWT's command that talak be pronounced in a state of purity.

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[32] Kholid and Abdul Aziz, "PROBLEMATIKA IDDAH DAN IHDAD (Menurut Madzhab Syafi'i Dan Hanafi)," *Al-Insyiroh: Jurnal Studi Keislaman* 1, no. 1 (2015): 117–33, https://doi.org/10.35309/alinsyiroh.v1i1.3344.

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