



## A Review of Contemporary Islamic Legal Philosophy Towards the Orientation of *Iddah* Legislation

*Tinjauan filsafat Hukum Islam Kontemporer  
Terhadap Orientasi Pensyariatan Iddah*

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### Abstract

*The polemics over the phenomenon of people marrying and divorcing often requires a transitional period to evaluate marriage after the occurrence of a divorce. The purpose of this study is to conduct a philosophical understanding of the orientation of iddah legislation. This research uses the perspective of maqasid sharia development formulated by Jaser Anda as the theory of analysis. The results of the study concluded that there are several axiological aspects of the iddah ordinance, including health protection and regeneration. This is because iddah has a positive impact on maintaining the health of women's reproductive organs. This understanding can be said as a form of value expansion of the concept of *hifz nafs* (protecting the soul) and *hifz nasl* (protecting offspring). Then, as self-introspection. This is because iddah is important to be a time of reflection for men and women in evaluating themselves, to reconcile again or separate amicably. This understanding can be said as a form of expansion of the value of the concept of *hifz aql* (protecting the mind). Furthermore, as a period of mourning for the death of the husband. This is because marriage is not just a contract, but also a serious agreement. This understanding can be said to be a form of value expansion from the concept of *hifz al-'ird* (maintaining social ethics). Next, as a protection of religious teachings. This is because carrying out iddah is an obedience to Islamic teachings. This research shows that the provision of iddah has complex axiological aspects.*

**Keywords:** *understanding development, Iddah orientation, maqasid sharia.*

### Abstrak

*Polemik atas fenomena seringnya seseorang melakukan kawin dan cerai menghendaki masa transisi untuk mengevaluasi perkawinan pasca terjadinya perceraian. Tujuan penelitian ini untuk melakukan pemahaman filosofis terhadap orientasi pensyariatan iddah. Penelitian ini menggunakan perspektif pengembangan maqasid syariah yang diformulasikan oleh Jaser Anda sebagai teori analisis. Data diperoleh melalui teknik dokumentasi. Hasil penelitian menyimpulkan terdapat beberapa aspek aksiologis pensyariatan iddah, antara lain sebagai proteksi kesehatan dan regenerasi. Hal ini karena iddah memiliki dampak positif untuk menjaga kesehatan alat reproduksi perempuan. Pemahaman ini dapat dikatakan sebagai bentuk perluasan nilai dari konsep *hifz nafs* (menjaga jiwa) dan *hifz nasl* (menjaga keturunan). Kemudian, sebagai introspeksi diri. Hal ini dikarenakan iddah penting untuk menjadi waktu merenung bagi laki-laki dan perempuan*

dalam mengevaluasi diri, untuk rujuk kembali atau berpisah secara baik-baik. Pemahaman ini dapat dikatakan sebagai bentuk perluasan nilai dari konsep *hifz aql* (menjaga akal). Selanjutnya, sebagai masa berkabung atas kematian suami. Hal ini dikarenakan perkawinan bukan hanya sebuah kontrak saja, tetapi juga sebuah perjanjian yang sungguh-sungguh. Pemahaman ini dapat dikatakan sebagai bentuk perluasan nilai dari konsep *hifz al-'ird* (menjaga etika sosial). Berikutnya, sebagai proteksi ajaran agama. Hal demikian dikarenakan melaksanakan iddah merupakan ketaatan terhadap ajaran Islam. Penelitian ini menunjukkan bahwa penyariatian iddah memiliki aspek aksiologis yang kompleks.

**Kata Kunci:** pengembangan pemahaman, orientasi iddah, maqasid syariah.

## A. INTRODUCTION

Although the purpose of marriage is not divorce, divorce is sunnatullah which is disliked by Allah SWT.<sup>1</sup> Moreover, divorce has a negative impact on the physical and psychological well-being of all family members and narrows social networks, such as experiencing anxiety, depression, feelings of anger, loss of self-confidence and feeling lonely, and causes economic difficulties for women.<sup>2</sup>

The impact of divorce in Islamic law raises the provision of iddah for the woman. Sayyid Sabiq and Wahbah Zuhaili said that iddah is a waiting period for the wife after divorce and during this waiting period it is not allowed to enter into marriage.<sup>3</sup> Muhammad Zaid al-Ibyani, quoted by Muhammad Isna Wahyudi, said that iddah is a waiting period required for women after a marriage divorce, with the aim of knowing the cleanliness of a woman's womb.<sup>4</sup>

There are several social etiquettes for women who are in iddah, including: Firstly, she should not accept proposals from men, either openly or by innuendo. However, for women who are in iddah from the death of their husbands, proposals may be made but in a sarcastic manner.<sup>5</sup> This shows that a philosophical understanding of the orientation of Islamic law (maqasid syariah) is needed in the implementation of *iddah*. According to Jasser Auda, a holistic and integrative logic of Islamic law is needed to answer dynamic and complex modern legal problems.<sup>6</sup>

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<sup>1</sup>Albayaqi, *Sunan Kubro Al-Bayhaqi*, Bab Talak, no hadis: 15292, juz 7, Cet I, (Majelis Da'irah al-Ma'arif al-Nizomiyah al-Kainah fil- Hindi, 1344 H), hlm. 322.

<sup>2</sup>Asniar Khumas, Johana E Prawitarosari, Sofia Retnowati, Rahmat Hidayat, *Model Penjelasan Intensi Cerai Perempuan Muslim di Sulawesi Selatan*, *Jurnal Psikologi*, Volume 42, No 3, Desember (2015), hlm. 190.

<sup>3</sup> Sayyid Sabiq, *Fikih Sunnah*, Juz 2, (Penerbit: maktabah masjid Nabawi asyarif), hlm. 326.

<sup>4</sup> Muhammad Isna Wahyudi, *Fiqh Iddah*, Cet. Ke-1, (Pustaka Pesantren, Yogyakarta: 2009), hlm, 77.

<sup>5</sup> Abd Moqsih Ghazali, *Iddah Dan Ihdad Dalam Islam: Pertimbangan Legal Formal Dan Etik Moral*, hlm. 148-150.

<sup>6</sup> Hengki Ferdiansyah, *Pemikiran Hukum Islam Jasser Auda*, Cet II, (Tangerang Selatan: Yayasan Pengkajian Hadisel-Bukhori, kedua 2018), hlm.85-86.

Based on the explanation above, this research aims to examine the provision of iddah in the perspective of Islamic legal philosophy. Various previous studies that are correlative to the subject of this study include studies by Mulyanti, Fasya, Farid, Pakarti and Fathiah which reveal that the law of determining the iddah period for divorced women outside the court between Law No. 1 of 1974 and the Compilation of Islamic Law is still an unfinished issue in Indonesia.<sup>7</sup> Then, a study by Muhamad Isna Wahyudi stated that there are several provisions in the Draft Law on Material Law for Religious Courts in the field of Marriage that need to be formulated in accordance with current conditions. In this way, Islamic marriage law in Indonesia will be progressive and not discriminatory against women.<sup>8</sup> Next, a study by Sartina and Andaryuni shows that Islamic jurisprudence does not only regulate women's iddah, but also men's iddah.<sup>9</sup> Furthermore, Ali Imron considers that there should be balanced authority between husband and wife in terms of the authority to pledge divorce. The settlement of divorce disputes remains through the process in court. Efforts need to be made to reconstruct the conceptual thalak.<sup>10</sup>

Furthermore, a study conducted by Wardah Nuroniyah found that the function of 'iddah is actually not only to find out whether someone's uterus is clean or not, but from several other functions such as prevention of infectious diseases, a period of reconciliation, upholding marital problems, The wisdom and purpose of 'iddah is the implementation of the concept of kulliyat al-khams, namely *hifz al-din*, *hifz al-nafs*, *hifz al-'aql*, *hifz al-nasl aw al-'ird* and *hifz mal*.<sup>11</sup> The study was also corroborated by Izzudin, Rofiq and Hapsin in their study that the panel of judges also needs to use ethical values in divorce such as the principles of

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<sup>7</sup> Dety Mulyanti dkk., "HARMONISASI HUKUM MENENTUKAN MASA IDDAH BAGI WANITA CERAI DI LUAR PENGADILAN MENURUT KOMPILASI HUKUM ISLAM DAN HUKUM FIQH," *USRAH: Jurnal Hukum Keluarga Islam* 4, no. 1 (30 April 2023): 14–29, <https://doi.org/10.46773/usrah.v4i1.658>.

<sup>8</sup> Muhamad Isna Wahyudi, "KAJIAN KRITIS KETENTUAN WAKTU TUNGGU (IDDAH) DALAM RUU HMPA BIDANG PERKAWINAN," *Jurnal Hukum dan Peradilan* 5, no. 1 (31 Maret 2016): 19, <https://doi.org/10.25216/jhp.5.1.2016.19-34>.

<sup>9</sup> Lilik Andaryuni Sartina, "Konsep Syibhul Iddah Bagi Laki-Laki Ditinjau dari Hukum Islam," *Jurnal Tana Mana* 03, no. 02 (20 Desember 2022): 288–300, <https://doi.org/10.33648>.

<sup>10</sup> Ali Imron, "Memahami Konsep Perceraian dalam Hukum Keluarga," *BUANA GENDER: Jurnal Studi Gender dan Anak* 1, no. 1 (28 Juni 2016): 15–27, <https://doi.org/10.22515/bg.v1i1.66>.

<sup>11</sup> Wardah Nuroniyah, "Diskursus 'Iddah Berpersepektif Gender: Membaca Ulang 'Iddah dengan Metode Dalalah al-Nass," *Al-Manahij: Jurnal Kajian Hukum Islam* 12, no. 2 (5 Desember 2018): 193–216, <https://doi.org/10.24090/mnh.v12i2.1745>.

ma'rûf, islâh, ihsân and afw in giving verstek decisions. So it is necessary to revitalize the ethical values of divorce in verstek decisions in the Religious Courts.<sup>12</sup>

This research focuses on examining the orientation of iddah legislation for women after divorce in the review of contemporary maqasid sharia formulated by Jasser Auda. This study is urgent, because it is expected to make a theoretical contribution related to the development of Islamic legal thought on the orientation of iddah legislation.

## **B. RESEARCH METHOD**

This qualitative research in the form of a literature study uses a content analysis approach. The data is collected using documentation techniques, and the analysis includes the stages of reduction, presentation, and conclusion drawing. The type of data in this research is in the form of literature study, namely data from various literatures related to this research, both in the form of books, books, scientific articles or other data relevant to the subject matter under study. While the secondary data are books and journals that have relevance to the discussion. The concept of contemporary maqasid sharia formulated by Jasser Auda becomes the theory of analysis. The data analysis technique is carried out through inventory, classification, and interpretation.

## **C. RESULT AND DISCUSSION**

### **Contemporary Islamic Law Approach in Jasser Auda's Perspective**

According to Jasser Auda, there are six features in systems philosophy that can be used as an approach to modern Islamic law, among others, as followed.

First, the nature of cognition. For Auda, the existence of the nature of cognition is a component of the Islamic legal system that must be realized and understood. As a consequence, the validity of Islamic legal norms as a product of thought derived from the dialectic of cognition and the reality of human life may have weaknesses. Islamic law (Fikih) is the result of human ijtihad on the text, as an attempt to reveal its hidden meaning and practical implications. Jurisprudence is part of human cognition/idea and understanding. Understanding requires good perception. While perception is the power that makes a person able to connect holistic images or meanings to the idrak of the mind.

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<sup>12</sup> Ahmad Izzuddin, Ahmad Rofiq, dan Abu Hapsin, "Revitalizing Divorce Ethical Values in Verstek Decisions in Religious Courts/Revitalisasi Nilai Etika Perceraian dalam Putusan Verstek Di Pengadilan Agama," *De Jure: Jurnal Hukum dan Syar'iah* 13, no. 1 (28 Juli 2021), <https://doi.org/10.18860/j-fsh.v13i1.12191>.

Second, the whole. Auda views that in the approach to Islamic law, it is important to have a comprehensive paradigm that emphasizes the interrelationship between the various components of Islamic law. This is because Auda sees the tendency of classical Islamic legal logic which is textualist, reductionist, and atomistic. Third, openness. Auda said that the Islamic legal system must be understood as an open legal system. He said that to make an open Islamic legal system, it is necessary to develop instruments on various methods of classical Islamic law in answering dynamic and complex legal problems. Fourth, relational hierarchical relations. In Auda's view, concept-based categorization is the appropriate categorization to be used in the renewal of contemporary Islamic methods. He adds that this categorization is an integrative and systematic method, not just determining right or wrong, but containing various criteria that can create a number of categories simultaneously. The implication of the relational hierarchy feature is that the levels of benefit (*maslahat*), good (*dharuriyat*), and *tahsiniyat* can be viewed at the same level and importance. Fifth, multi-dimensionality (multi-dimensionality). According to Auda, the Islamic legal system is a legal system that has various dimensions. Therefore, he considers that the binary opposition paradigm does not need to occur in the approach to Islamic law. He believes that the criteria for legal propositions that are considered conflicting can actually complement each other. Through a multi-dimensional approach, it will be able to dilute the dichotomy between *qat'i* and *zhanni* propositions and can solve the problem of contradictions in other Islamic legal propositions (*ta'arud al-adillat*). So that Islamic law becomes more flexible in dealing with complex contemporary problems, even the arguments that have not been functioned, can be re-functioned through this multi-dimensionality feature, provided that they can achieve *maqasid* (justice).<sup>13</sup>

Sixth, the intentionality feature. Auda positions *maqasidsyariah* as a feature of purpose in the Islamic legal system. Therefore, he views the existence of *maqasid shari'ah* as a core feature that should not be neglected in any process of formulating Islamic law. However, Auda reminded that the purpose feature cannot be separated from various other features of Islamic law (cognition, entirety, openness, relational hierarchy and multi-dimensionality), because in the system approach, there is no such thing as feature independence. All features must be able to work together and integrate with each other to carry out their functions in achieving a common goal.

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<sup>13</sup> Jasser Audah, *Membumikan Hukum Islam Melalui Maqasid Syariah*, terjemahan dari *Maqasid Shariah as Philosophy of Islamic Law A System Approach*, (Mizan Pustaka: Bandung, 2015), hlm. 86-91

In this research, the system approach above will be used as an analytical theory to explore, identify the concept of iddah for men according to Sunni scholars. The reason the author chooses the system approach as the theory of analysis is because the author considers the system approach to be one of the new Islamic legal approaches that is theoretical, applicable, and contextual in reading various contemporary Islamic family law issues, both related to methods and products of Islamic family law thinking related to dynamic and complex modern issues.

### **The Existance of *Iddah***

Iddah is a certain period of time that must be counted by a woman since she separated (divorced) from her husband, whether the separation was due to divorce or because the husband died; and during this period the woman is not allowed to marry another man.

Categorically, women in 'iddah (al-mu'taddah) can be categorized into two types. First, women who are in'iddah because of the death of her husband (al-mutawaffa 'anha zawjuha). The provisions of the period of iddah are:

1. Four months and ten days, provided that she is not pregnant, whether she has had intercourse or not.
2. Until she gives birth, if the pregnancy is attributed to the woman in 'iddah.

Second, a woman who is in 'iddah not because her husband died (ghayr al-mutawaffa 'anha zawjuha). The terms of her iddah period are:

1. Until childbirth, if the pregnancy is attributed to the woman undergoing iddah
2. Three times quru', if she ever menstruates
3. Three months, if she has not menstruated or has stopped menstruating, known as menopause.

It is interesting to focus on the function of 'iddah in this regard, which is to purify oneself from the effects or consequences of the woman's relationship with the husband who divorced her. This statement invites several questions: is this cleansing in the sense of bara`ah al-rahmi (cleansing of the womb)?

Aljaziri said that the iddah is a waiting period for women that is not only based on the period of menstruation or chastity but sometimes based on the month or marked by birth and during this period women are prohibited from marrying until the iddah period



expires.<sup>14</sup> In addition to the definition mentioned above, there are many other definitions given by the scholars, but in principle these definitions are almost the same, namely the waiting period for women after the breakup of marriage, either divorced alive or divorced dead, before they are allowed to remarry. The obligation to observe iddah for a woman after divorcing her husband, whether by divorce or death. Therefore, in principle, the definitions that we mentioned above are almost the same, which means that they are translated as a waiting period for a woman to be able to reconcile with her ex-husband or a limitation on being allowed to remarry.

### **History of *Iddah* Enforcement**

During the pre-Islamic era, divorced women did not have the right to receive iddah alimony, whereas after Islam came, women who were in the iddah period were entitled to receive iddah alimony. Meanwhile, men were relieved of financial responsibility and this continued because there were no legal sanctions for their actions. The absence of post-divorce maintenance which occurred simultaneously with the absence of iddah for divorced women has led to a widow who does not marry immediately may find herself in financial and other difficulties plus the widow is pregnant.<sup>15</sup>

Islam then came and reduced the one-year period to four months and ten days, and abolished all inhumane treatment. In addition, Islam also made iddah obligatory for divorced women, which was not applicable to women during this time, is it constitutive and immutable?<sup>16</sup> In fact, iddah should be binding on both women and men, so that it can better realize equality between men and women. The application of iddah, which is only binding for women, is actually influenced by patriarchal culture<sup>17</sup>, so that it is understood as a special teaching for a special situation (legal specific) that is temporal. In Patriarchal Culture, women have a lower position than men. The issue of iddah is only considered as a form of knowing a woman's pregnancy, knowing the clarity of the lineage of the child's father.<sup>18</sup> Why does the Qur'an not directly require iddah for both men and women, when women and men are equal? The Qur'an was revealed against the backdrop of the patriarchal culture of the Arabian society, so it is impossible for the Qur'an to simply ignore the context of existing social norms

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<sup>14</sup> Aljaziri, *fikih empat mazhab*, Juz 4, (Dar al-Kutub al- Ilmiah, Libanon, 2003), hlm, 513.

<sup>15</sup> Muhammad Isna Wahyudi, *Fiqh Iddah*, hlm. 66.

<sup>16</sup>*Ibid*, hlm, 6.

<sup>17</sup> Nur Faizah, *Ayat-ayat Tentang Relasi Laki-laki dan Perempuan Dalam Al-Qur'an*, jurnal al-Ahwal, Vol. 8, No. 2, 2015, hlm. 116.

<sup>18</sup>Muhammad Isna Wahyudi, *Kajian Kritis Ketentuan Waktu Tunggu (Iddah) Dalam RUU HMPA Bidang Perkawinan*, Jurnal Hukum dan Peradilan, Volume 5, Nomor 1, Maret 2016 hlm, 29

by directly requiring iddah to be binding for both men and women. Doing so would have made it difficult for the Qur'ān's teachings to be accepted by the people of Arabia at the time. The average redaction of the Qur'anic verses clearly only commands women to observe iddah. It should be noted that a text is inseparable from three main elements. First, the creator of language (wad'i), second, the user of language (musta'mil), and third the understanding of the user. Allah SWT uses Arabic as a sign in realizing his call, can be understood as a user or Arabic to glorify his call. The transformation of each call into a linguistic symbol is always faced with reduction, distortion, or development, both by the structure of the language itself, as well as the cultural structure of the reader's subjectivity. Male dominance in the structure of the Arabic language does not mean that Allah SWT, the user, recognizes male supremacy. But Allah SWT often mentions in the Qur'an that men and women have the same position by his side, the difference is piety.

Taking into account the context of the patriarchal society of Arabia, the Qur'ānic narrative's favoring of men may reveal the Freudian dimensions (libido urges and illusions) of the society of Arabia at that time. This favoritism is not merely methodological, but also substantial because what the Qur'ān is directly addressing at that time is the male-dominated society of Arabia. In addition, it should be noted that one of the characteristics of the socio-cultural influence on the Qur'ān in the formation of the text is that the Qur'ān cannot get out of the cultural framework of the Arabs at that time. The character and style of a text will always describe and reflect the cultural structure and nature of the mind in which the space and time of the text was formed. It can be said that the verses related to iddah, which at first glance only obliges women after divorce, both divorce alive and divorce dead, does not mean that Allah wants that men do not need to do iddah after separating from their wives.<sup>19</sup>

Therefore, it can be understood that iddah must now apply and be binding on both women and men. Iddah is not only to determine pregnancy, as it is understood in the context of patriarchal culture so that it is only binding for women. If it is only to determine pregnancy, iddah is no longer necessary because it can be replaced by technological sophistication in detecting pregnancy accurately in a short time. On the other hand, iddah also aims to honor the status of marriage as a firm agreement (mistaqan galizan) and is not identical to an ordinary civil contract, which is easily made at one time and easily broken at the same time. In addition, iddah also serves as a period of mourning to honor the deceased

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<sup>19</sup>Muhammad Isna Wahyudi, *Kajian Kritis Ketentuan Waktu Tunggu (Iddah) Dalam RUU HMPA Bidang Perkawinan*, hlm. 30.



spouse and his or her family, which in this way is expected to avoid slander and hatred between the parties.

### **Development of *Maqasid Sharia* Concept in Understanding the Orientation of *Iddah* Legislation**

Basically, the main goal in a marriage is to maintain and protect continuity in life. However, the problems and dynamics in undergoing the ark of household life are not few, and have even long been rumored to be a necessity. The color of household life is full of joys and sorrows, the ups and downs of the twists and turns of problems and alternatives and solutions. Husband and wife sometimes move away after previously uniting together, sometimes also quarreling after previously being fine, or even separating after previously being affectionate, the quarrel between the two is triggered by various indicators, starting with trivial causes and finally enlarging so that divorce can occur.<sup>20</sup>

The imposition of *iddah* on a woman is a standard legal provision established by the Qur'an. However, the wisdom contained in its application is not explained. Therefore, thinkers / fuqaha such as the Imams of the Mazhab have conducted many studies on the implementation of *iddah*. This is an attempt to rationalize the standard law that has been determined by *musyarri'*. Based on our search for references to *fiqh* books, there are at least five wisdoms contained in the provision of *iddah* for women, both due to divorce alive and due to divorce dead, the wisdom includes.<sup>21</sup>

**First**, as health protection and regeneration. The purpose of this aspect is to determine the cleanliness of a woman's uterus or pregnancy.<sup>22</sup> Along with the development of medical technology, it is now possible to determine a woman's pregnancy in a very short time and with fairly accurate and accountable results through DNA (Deoxyribo Nucleic Acid) tests. This certainly has legal implications, especially for those who believe that the illat of the law that makes it obligatory to know the cleanliness of the womb and determine a woman's pregnancy. Because in addition to aiming to determine the cleanliness of a woman's uterus, *iddah* also aims to maintain the health of the reproductive organs of women and men in order to avoid sex-transmitted diseases.<sup>23</sup> In reviewing the development of the concept of

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<sup>20</sup> Abdur Rahman dkk, *Indikator Terjadinya Pernikahan Dalam Masa Iddah di Kecamatan Bolangitang Barat*, jurnal El Usrah, Vol. 3, No. 1 Januari-Juni, 2020, hlm. 18.

<sup>21</sup> Ibnu Qudamah, *Almughni*, Juz 11, hlm. 194.

<sup>22</sup> Henderi Kusmidi, *Reaktualisasi Konsep Iddah Dalam Pernikahan*, hlm, 40

<sup>23</sup> Muhammad Isna Wahyudi, *Kajian Kritis Ketentuan Waktu Tunggu (Iddah) Dalam RUU HMPA Bidang Perkawinan*, hlm, 26.

maqasid sharia, the protection of health protection and regeneration can be said to be a form of expansion of the value of the concept of hifz nafs (protecting the soul) and hifz nasl (protecting offspring).

**Second**, as self-introspection. If connected to this aspect into psychology, women and men in the iddah period are important to reflect for men and women during the iddah period so that the married couple can evaluate themselves, to reconcile back or part on good terms with their spouses. In deciding to divorce a husband or wife, it is recommended that we think carefully about whether to reconcile with the husband and wife or part ways with the husband and wife. In this context, iddah does not only apply to women but also to men because the process of reconciliation can be carried out by both parties as well as the process of self-introspection or self-evaluation must be carried out by men and women and this will have a good impact on both parties.<sup>24</sup> In reviewing the development of the concept of maqasid sharia, the purpose of self-introspection can be said to be a form of value expansion from the concept of hifz aql (protecting the mind).

**Third**, as a period of mourning for the death of the husband. In some fiqh literature if the husband dies, then there is an obligation that must be carried out by the wife, namely undergoing a period of mourning. The question is why this only applies to women and not men. Are men forbidden to grieve after the death of their wives? Whereas after divorce the woman bears a lot of burdens that she will carry such as meeting the needs of her life and her children. Instead, she must stay at home during the iddah period, and may not marry another man until the iddah period is over. This means that divorce does not directly break the bond of marriage, but must go through the 'iddah period first. This is because marriage is not only a contract, but also a covenant. In reviewing the development of the concept of maqasid sharia, the purpose as a period of mourning for the death of the husband can be said to be a form of expansion of the value of the concept of hifz al-'ird (maintaining social ethics).

**Fourth**, as a protection of religious teachings. to show how valuable the issue of marriage is in Islamic teachings. Then the marriage event which is so important in the life of mankind must be endeavored to be eternal and lasting. This means that divorce cannot directly break the bond of marriage, but must go through the 'iddah period first. This is because marriage is not only a contract, but also a covenant. If a Muslim woman is divorced

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<sup>24</sup> Said Mubarak, *Hasibu Qobla Antubasabu*, Juz 2, (al-Maktabah al-Mahmudiyah, tanpa tahun penerbit), hlm. 16.

from her husband, whether by divorce or death. There is a grace period that must be passed before remarrying another man. The willingness to obey the rules of beriddah is a picture of obedience, and the willingness to obey is what contains the value of ta'abbudi. The implementation of this ta'abbudi value will not only get the benefits of tiddah as described above, but will also be worth the reward if obeyed and sinful if violated.<sup>25</sup> In reviewing the development of the concept of maqasid sharia, the purpose of protecting religious teachings can be said to be a form of value expansion of the concept of hifz din (protecting religion).

#### D. CONCLUSION

Based on the philosophical analysis through the perspective of developing the concept of *maqasid sharia* towards the orientation of the iddah ordinance, there are several axiological aspects of the iddah ordinance. First, as health protection and regeneration. Because in addition to aiming to determine the cleanliness of a woman's uterus, iddah also aims to maintain the health of the reproductive organs of women and men in order to avoid venereal diseases through sex. The conclusion of this understanding can be said to be a form of value expansion from the concept of *hifz nafs* (protecting the soul) and *hifz nasl* (protecting offspring). Second, as self-introspection. women and men in the iddah period are important to reflect for men and women during the iddah period so that married couples can evaluate themselves, to reconcile or part ways with their spouses. The conclusion of this understanding can be said to be a form of expansion of the value of the concept of *hifz aql* (protecting the mind). Third, as a period of mourning for the death of the husband. This is because marriage is not only a contract, but also a serious agreement. The conclusion of this understanding can be said to be a form of expansion of the value of the concept of *hifz al-'ird* (protecting social ethics). as the protection of religious teachings. The willingness to obey the rules of iddah is a picture of obedience. The conclusion of this understanding can be said to be a form of expansion of the value of the concept of *hifz din* (protecting religion). Based on these findings, this research shows that the iddah ordinance has complex axiological aspects. Therefore, further research with other perspectives is important.

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<sup>25</sup> Ria Rezky Amir, *Iddah (Tinjauan Fiqih Keluarga Muslim)*, Jurnal AL-MU'IZHAH, Volum. 1, No. 1, (September, 2018), hlm. 19.

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