

## Reformulating the Concept of *Ihdad* in the Contemporary Era: A Review of the Concept of *Ihdad* According to Jurisprudence Scholars

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### Abstract

The importance of a more contextual understanding of *Ihdad* (the mourning period for women after the death of their husbands) is emphasized, considering the ongoing social and cultural changes. Although it has strong roots in Islamic law and has been widely discussed by ulama, its application in contemporary era requires a more relevant approach that aligns with the conditions of modern society while maintaining the essence of the underlying teachings. This research aims to revisit the concept of *Ihdad* from a jurisprudential perspective and to explore the possibility of its adaptation to remain in harmony with the needs and realities of today's Muslim women. The methodology used is a literature study, collecting data from books, journals, and scientific articles, which is then explained descriptively. The findings indicate that, first, ulama have differing views on *Ihdad*, yet they all mandate it under specific conditions for the well-being of widowed wives. Second, regarding *Ihdad* in contemporary era, it is explained that Islamic traditions have been adopted by Muslims since the time of Prophet Muhammad. From the first week of life to the present, they have been characterized by a strong sense of dignity, even if it requires traditional forms. This research contributes to providing a more inclusive and relevant understanding of *Ihdad* as part of the dynamics of jurisprudence and the lives of modern Muslim women.

**Keywords:** Reformulation, Concept of *Ihdad*, Contemporary Era, Islamic Jurisprudence Scholars, Review

### Abstrak

Pentingnya pemahaman yang lebih kontekstual mengenai *Ihdad* (masa berkabung bagi perempuan setelah ditinggal wafat suami), mengingat perubahan sosial dan budaya yang terus berlangsung. Meskipun memiliki akar kuat dalam syariat Islam dan telah dibahas secara luas oleh para ulama, penerapannya di masa kini menuntut pendekatan yang lebih relevan dengan kondisi masyarakat modern, dengan tetap menjaga esensi ajaran yang mendasarinya. Penelitian ini bertujuan untuk menggali kembali konsep *Ihdad* dalam perspektif fikih, serta meninjau kemungkinan adaptasinya agar tetap selaras dengan kebutuhan dan realitas perempuan Muslim masa kini. Metode yang digunakan adalah studi kepustakaan dengan mengumpulkan data dari buku, jurnal, dan artikel ilmiah, kemudian dijelaskan secara deskriptif. Hasil penelitian menunjukkan bahwa Pertama, *Ihdad* menurut para ulama memiliki pandangan yang berbeda-beda namun mereka tetap mewajibkan *berihdad* dengan syarat dan ketentuan-ketentuan masing-masing demi untuk kebaikan istri yang ditinggal mati suami. Dan kedua, Mengenai *ihdad* di era kontemporer yaitu dijelaskan Secara umum tradisi-tradisi Islam telah diadopsi oleh umat Islam sejak zaman Nabi Muhammad. Sejak minggu pertama kehidupan hingga saat ini, mereka telah ditandai oleh rasa harga diri yang kuat, bahkan jika itu membutuhkan bentuk kadar tradisional. Penelitian

ini berkontribusi dalam memberikan pemahaman yang lebih inklusif dan relevan mengenai *Ihdad* sebagai bagian dari dinamika fikih dan kehidupan Muslimah modern.

**Kata Kunci:** Reformulasi, Konsep *Ihdad*, Era Kontemporer, Ulama Fikih, Kajian Ulang

## INTRODUCTION

Over time, various phenomena and legal developments require an answer. There are several points that are not covered by Islamic law. Therefore, *ijtihad* is necessary to explore various contemporary perspectives.<sup>1</sup> Contemporary *ijtihad* is carried out to produce Islamic law that is in harmony (*shalihun li kulliz zaman wal makan*) with the development of modern society, including gender equality, human rights, the development of modern science and technology, and the socio-cultural development of society.<sup>2</sup>

Before the arrival of Islam, the position of women in various civilizations often declined, and they did not have stable relationships.<sup>3</sup> In certain cultures, women are only seen as property that can be sold or even not given a place to live if their families do not want it. However, the view of women changed drastically when Islam came as a blessing for all people.<sup>4</sup> In Islamic education, women are given rights that they did not previously have, such as the right to defend themselves, the right to obtain an education, the right to participate in social life, and perhaps the right to choose their path in life.<sup>5</sup>

In Islamic teachings, there are special obligations that must be carried out by a woman who has become a wife when her husband dies, namely undergoing the *iddah* and *ihdad* periods. *Iddah* is a waiting period that must be passed by a woman after a divorce or the death of her husband before she is allowed to remarry.<sup>6</sup> Linguistically, the term *iddah* comes from the word ‘adad, which means to count, and is a *mashdar* form of the word ‘adda-ya’uddu, which means to count. This represents the meaning of the word ‘adda-ya’uddu, which means to count. This symbolizes the meaning of *iddah* itself, because it is related to the calculation of the menstrual period or month as a determinant of the length of the waiting period. Meanwhile, *ihdad* refers to the prohibition for women who have been left by their husbands to decorate, dress up, or present themselves

<sup>1</sup> Muh Sholihuddin, Saiful Jazil, and Syamsun Ni’am, “Remarriage in The ‘*Iddah* Perspective of Maqāsid Al-Usrah: Study in Wedoro Waru, Sidoarjo, Indonesia,” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (May 11, 2024): 726–49, <https://doi.org/10.22373/sjhc.v8i2.15061>.

<sup>2</sup> Muhammad Imron and Tri Wahyu Hidayat, “The *Ijtihad* Pada Era Kontemporer,” *El-Faqih: Jurnal Pemikiran Dan Hukum Islam* 9, no. 2 (2023): 153–76, <https://doi.org/10.58401/faqih.v9i2.980>.

<sup>3</sup> Linda Firdawaty et al., “Yusuf Al-Qardhawi’s Perspective of *Ihdad* and Its Relevance to Career Women’s Leave Rights in Bandar Lampung,” *Jurnal Ilmiah Al-Syir’ah* 21, no. 2 (December 20, 2023): 211–23, <https://doi.org/10.30984/jis.v21i2.2343>.

<sup>4</sup> Yusna Zaidah and Raihanah Abdullah, “The Relevance of *Ihdad* Regulations as a Sign of Mourning and Human Rights Restriction,” *Journal of Human Rights, Culture and Legal System* 4, no. 2 (June 20, 2024): 422–48, <https://doi.org/10.53955/jhcls.v4i2.229>.

<sup>5</sup> Wahibatul Maghfuroh, “*Iddah* Dan *Ihdad* Bagi Wanita Karir Menurut Pandangan Hukum Islam,” *IUS: Jurnal Ilmiah Fakultas Hukum* 9, no. 01 (June 1, 2021): 1–13, <https://doi.org/10.51747/ius.v0i01.763>.

<sup>6</sup> Salsabila Husna Dimiyati, “Konsep Wanita Karier Dalam Q.S Al Ahzab Ayat 33 Perspektif Tafsir Al Misbah,” *IAIN Ponorogo* (2022).

attractively during the *iddah* period. This second obligation has deep spiritual and social values and contains important wisdom in the life of a Muslim woman, such as maintaining honor, giving time to calm down, and ensuring the certainty of marital status and pregnancy.<sup>7</sup>

In this context, the study of *ihdad*, one of the sharia obligations for women who have been left by their husbands, becomes very relevant to be brought up again. The tradition of *ihdad*, which has strong roots in Islamic law, faces various new challenges in contemporary era. Therefore, a re-examination and reformulation are needed to re-understand the concept of *ihdad* so that its values remain relevant and applicable in modern life without losing the essence of its teachings. The re-examination and reformulation of *ihdad* in contemporary era confirm that Islam is a flexible religion and is able to adapt its teachings to the development of the times without ignoring the values of sharia. *Ihdad* remains relevant as a form of respect for marriage and the mourning process, but its application requires a contextual re-understanding. Thus, women can carry out this obligation more wisely and remain in accordance with sharia principles amidst the dynamics of modern life.

There are several discussions about *ihdad*, such as Maghfuroh's research, which discusses *iddah* and *ihdad* for career women.<sup>8</sup> Research by Arianto et al. expands the discourse by discussing the possibility that *ihdad* also applies to husbands, although it does not naturally also apply to husbands, although not in formal fiqh, but based on the principle of benefit and justice in marriage.<sup>9</sup> Nasution et al. provides a strong fiqh basis from the perspective of the Syafi'i school, which explains that *ihdad* for women is an obligation that comes from the sunnah of the Prophet and must be carried out during the *iddah* period.<sup>10</sup> Shokhib's research discovered that the KHI, compiled by Indonesian scholars using materials sourced from the Shafi'i School of Fiqh, is practically presented based on local Indonesian values.<sup>11</sup>

Maulana's research found that the problems experienced by career women make it permissible for them to work as usual because they are included in the aspects of *hifdz al-māl*, *hifdz an-nafs*, and *hifdz an-nasl*. Thus, *Ihdad* is a problem for career women; for them, relief comes in implementing the provisions of *Ihdad*.<sup>12</sup> Aminudin, who found that

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<sup>7</sup> 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>.

<sup>8</sup> Maghfuroh, "Iddah Dan Ihdad Bagi Wanita Karir Menurut Pandangan Hukum Islam."

<sup>9</sup> Yudi Arianto, Muhammad Za'im Muhibulloh, and Rinwanto, "Ihdad Suami Perspektif Masalah Mursalah," *The Indonesian Journal of Islamic Law and Civil Law* 3, no. 1 (2022): 91–108, <https://doi.org/10.51675/jaksya.v3i1.196>.

<sup>10</sup> Muhammad Syukri Albani Nasution, Hasbullah Ja'far, and Ismail Marjuki Harahap, "Pelaksanaan *Ihdad* Bagi Isteri Yang Di Tinggal Mati Menurut Mazhab Syafi'i (Studi Kasus Di Kecamatan Percut Sei Tuan Kabupaten Deli Serdang)," *Al-Mashlahah Jurnal Hukum Islam Dan Pranata Sosial* 8, no. 02 (2020): 265–86.

<sup>11</sup> Muhammad Yalis Shokhib, "Dialektika *Ihdad* Dalam Kompilasi Hukum Islam (Khi) Berdasarkan Asas Proporsionalitas," *Al-Syakhsyiyah: Journal of Law & Family Studies* 4, no. 1 (2022): 27, <https://doi.org/10.21154/syakhsyiyah.v4i1.4279>.

<sup>12</sup> Moch Nafi' Maulana, "Ihdad Antara Ketentuan Dan Tuntutan Hukum Islam (Study *Iddah* Dan *Ihdad* BCL)," *TAHKIM* 19, no. 1 (August 28, 2023): 122–36, <https://doi.org/10.33477/thk.v19i1.5248>.

the meaning of *ihdad* in modern times, now concludes that women who have been left by their husbands are not allowed to use social media to express their feelings, share their daily activities, or upload photos or videos of themselves for four months and ten days to avoid negative things that can cause lust for men.<sup>13</sup> Nurdin's research explains that career women who are forced to leave *iddah* and *ihdad* due to emergency reasons must first try their best to do so. If it is also not possible, then they may leave it.<sup>14</sup>

Although several previous studies have studied *ihdad*, many of them are still descriptive and less in-depth in exploring specific aspects related to the reformulation of the concept of *ihdad* in the contemporary era. This condition raises the need to review the rules of *ihdad* from the perspective of relevant Islamic jurisprudence scholars. This study is intended to provide an in-depth understanding of the reformulation of the concept of *ihdad* by referring to the views of classical and contemporary Islamic jurisprudence scholars. Through a comprehensive approach, this study will explore the concept of *ihdad* by considering historical, normative, and practical aspects. This study also aims to provide a more relevant and contextual re-explanation of the rules of *ihdad* so that it can be a reference for Muslims in understanding and applying this law according to the demands of the times.<sup>15</sup> This research is expected to be able to bridge the gap between the classical Islamic jurisprudence tradition and the needs of modern law, as well as provide a significant contribution to the development of Islamic legal science in the contemporary era.

## RESEARCH METHOD

This research is conducted using library research methods and a qualitative approach to explore the reformulation of the concept of *Ihdad* in the contemporary era and the re-examination of *Ihdad* according to jurisprudence scholars. This research is descriptive-analytical, aiming to explain the core aspects of *Ihdad*, its legal foundations, goals, and reasoning, the views of jurisprudence scholars on *Ihdad*, and to analyze how the concept of *Ihdad* has changed in modern times. Data sources for this research are obtained from various literatures, including academic materials, scientific articles, books, and relevant journals. Data collection techniques are conducted through literature studies that include secondary sources from academic works and research reports. Data analysis is done by clearly outlining information about the changes to *Ihdad* law today and reviewing the idea of *Ihdad* according to religious scholars.

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<sup>13</sup> Aminudin Aminudin, Nurasiah Nurasiah, and Sukiati Sukiati, "Pemaknaan *Ihdad* Bagi Perempuan Yang Beriddah Di Era Digital," *Jurnal Hukum Kaidah: Media Komunikasi Dan Informasi Hukum Dan Masyarakat* 23, no. 2 (2024): 165–76, <https://doi.org/10.30743/jhk.v23i2.8687>.

<sup>14</sup> Nurdin, "Persoalan *Iddah* Dan *Ihdad* Bagi Wanita Karir," *Tadabbur: Jurnal Peradaban Islam* 3, no. 2 (2021): 301–15, <https://doi.org/10.22373/tadabbur.v3i2.206>.

<sup>15</sup> Muhammad Iqbal Juliansyahzen et al., "Between Sharia, Gender, and Science in the Construction of '*Iddah*: The Response of Banyumas,'" *El-Mashlahah* 14, no. 1 (June 30, 2024): 189–210, <https://doi.org/10.23971/el-mashlahah.v14i1.7917>.

## RESULTS AND DISCUSSION

### Re-examination: The Essence of *Ihdad*, Legal Basis, Goals, and Wisdom of *Ihdad*

#### 1. The Essence of *Ihdad*

Etymologically, the term *ihdad* comes from the Arabic word *ahadda-yuhiddu-ihdad*, which has various meanings. In the sense of the term, *ihdad* refers to the prohibition for women who are undergoing the *iddah* period because their husbands have died to wear perfume or makeup with the aim of beautifying themselves and attracting attention. According to Ibn Kathir's interpretation, *ihdad* describes a condition where a woman does not wear perfume, does not wear makeup, and does not wear jewelry that can attract the attention of men. This prohibition aims to ensure that women remain comfortable during the mourning period for the death of their husbands. In addition, *ihdad* is also seen as an obligation that must be carried out by the wife as a form of final respect for the marriage relationship that has ended due to death.<sup>16</sup>

Another opinion regarding the meaning of *ihdad* was put forward by Abu Yahya Abu-Anshari, who explained that the word *ihdad* comes from the word *ahadda'* and in some contexts is also referred to as *al-hidad*, which has the root word *hadda*. This is also reinforced by Sayyid Abu Bakar al-Dimiyathi, who stated that *al-hidad* comes from the word *ahadda*, which in etymology means *al-man'u*, or prevention and prohibition. This means that in the context of Islamic law, *Ihdad* is a provision that prohibits women who are undergoing the *iddah* period from doing things that can attract or attract the attention of men, such as dressing up or wearing flashy clothes. This prohibition aims to emphasize the atmosphere of mourning and maintain social order in Islamic society.<sup>17</sup>

In practice, *ihdad* is similar to *iddah*, but with a more specific purpose, namely to avoid or prevent a woman's attraction to men during the *iddah* period. Islamic jurisprudence scholars explain that one of the main purposes of *ihdad* is to show a wife's loyalty and respect for her deceased husband while limiting interactions that can cause slander. In addition, this mourning period is stipulated in Islamic law as a legal rule that must be obeyed by every woman whose husband has died. *Ihdad* is not just a form of expression of sadness but is also a rule that contains wisdom in maintaining the honor and dignity of women in Islam.<sup>18</sup>

#### 2. Legal Basis of *Ihdad*

The legal basis for *ihdad* comes from the words of Allah contained in Surah Al-Baqarah verse 234:

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<sup>16</sup> Masfi Sya'fiatul Ummah, "Iddah Dan *Ihdad*," *Sustainability (Switzerland)* 11, no. 1 (2019): 1–14.

<sup>17</sup> Shofiatul Jannah and Dwi Hidayatul Firdaus, "Reformulation of the Concept of *Iddah* in The Compilation of Islamic Law Perspective of Negotiative Hermeneutics," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 2 (December 31, 2023): 286–300, <https://doi.org/10.18860/j-fsh.v15i2.21065>.

<sup>18</sup> Fuady Abdullah, Nova Anggraini Putri, and Youssof Salhein, "Revisiting '*Iddah*: A Critical Analysis of Gender Equality in Indonesian Feminist Islamic Legal Discourse," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (December 15, 2023): 275–90, <https://doi.org/10.31958/juris.v22i2.10320>.

وَالَّذِينَ يَتُوفُونَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا يَتَرَبِّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَلَا جُنَاحَ عَلَيْكُمْ  
فِيمَا فَعَلْنَ فِي أَنْفُسِهِنَّ بِالْمَعْرُوفِ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ ﴿٢٣٤﴾

Meaning: “As for those of you who die and leave widows behind, let them observe a waiting period of four months and ten days. When they have reached the end of this period, then you are not accountable for what they decide for themselves in a reasonable manner. And Allah is All-Aware of what you do.” (QS. Al-Baqarah: 234)

Meanwhile, the hadith of the Prophet Muhammad SAW, narrated by Imam Muslim, explains *Ihdad* through the story of Zainab binti Abi Salamah RA. In the story, Zainab tells that she once visited the house of Umm Habibah, the wife of the Prophet SAW. In that meeting, Umm Habibah told the story of a woman who came to the Prophet SAW. The woman complained that her daughter, who had just died from her husband, was experiencing pain in both eyes. She then asked if she was allowed to use kohl to treat her eyes. The Prophet SAW gave a firm answer that this was not allowed; he even stated it again two to three times. He also emphasized that the *iddah* period for a woman is four months and ten days. (HR. Muslim).<sup>19</sup>

### 3. *Ihdad*'s Goals

The majority of ulama hold the view that *Ihdad* is an obligation that specifically applies to women whose husbands have passed away within a valid marriage and does not extend to other circumstances. Islamic teachings establish this mourning provision as a form of respect and remembrance for the deceased husband. The ulama also agree that *Ihdad* only applies to women whose husbands died, not those who divorced. Wahbah al-Zuhaili emphasizes that the prohibition on the use of fragrances, jewelry, eyeliner, and oils during the *Ihdad* period applies solely to the woman's body. However, this prohibition does not include beautifying things such as bedding, carpets, curtains, or other household furnishings. Furthermore, the *Ihdad* period does not forbid women from sitting on silk fabric.<sup>20</sup>

The purpose of the *Ihdad* law is to prevent men from being attracted to or approaching women who are in their mourning period and to protect the women from male temptation. Ibn Rushd refers to this principle as *sad al-dzari'ah*, which means making an effort to close off avenues that could lead to forbidden acts. In this context, the prohibition includes forms of interaction between an *iddah* woman and men, as well as the prohibition on beautification that could attract attention. This prohibition includes engagement (*khitbah*) and marriage during the *iddah* period.<sup>21</sup> *Ihdad*, which is closely related to *iddah*, also has important objectives, such as ensuring whether the woman is pregnant with the child of her late husband. This goal is to prevent the

<sup>19</sup> Yusron and Haaniyatu Roosyidah, “*Iddah* Dan *Ihdad* Dalam Mazhab Syafi’i Dan Hanafi,” *Media.Neliti* Vo.1, no. 112 (2023): 17–19.

<sup>20</sup> Mohammad Ali, Siti Sariroh, and Rumawi Rumawi, “Social Construction of Widow’s Marital Rights without Finishing Waiting Period (Idah) in Indonesia,” *Studia Iuridica Lublinensia* 30, no. 5 (December 17, 2021): 13–28, <https://doi.org/10.17951/sil.2021.30.5.13-28>.

<sup>21</sup> Samsul Arifin and Wismar Ain Marzuki, “*Ihdad* Bagi Perempuan Dalam Kompilasi Hukum Islam (Sebuah Analisis Gender),” *Sebuah Analisis Gender* *Lex Jurnalica* 12 (2015): 212.

mixing of lineage if the woman were to remarry. The *iddah* period also serves a purpose of *ta'abud*, which is to fulfill the command of Allah SWT solely, even if it may not always make logical sense. For instance, a woman who has never had intimate relations with her husband is still required to undergo the *iddah* period, even though it is certainly known that she is not pregnant.

The objectives of the *Ihdad* law mentioned in various literatures are as follows: First, *Ihdad* provides women with sufficient time to experience grief and go through the mourning period while also preventing potential scandals or negative perceptions from society. Second, *ihdad* functions to maintain a positive relationship between the family of the deceased husband and the wife left behind, along with her family. Third, this practice serves as a tangible expression of sadness and loss over the husband's death. It is important to note that besides the case of a husband's death, other forms of divorce do not require *Ihdad*, as happened during the time of the Prophet Muhammad SAW and the era of the Rightly Guided Caliphs, when women did not undergo *Ihdad* except for the death of their husbands. Fourth, for women who are pregnant and whose husbands have passed away, the *Ihdad* period of four months and ten days has its wisdom, which is to wait for the completion of the creation process of the fetus, including the blowing of the spirit after 120 days, with an additional ten days to complete the time.<sup>22</sup>

#### 4. Hikmah *Ihdad*

The study of jurisprudence reveals several important aspects of *Ihdad*. First, *Ihdad* provides a sufficient period for a woman to mourn and express her sadness following the death of her husband, while simultaneously serving to reduce potential scandals. Second, *Ihdad* aims to maintain harmony between the family of the deceased husband and the wife, as well as her own family. Third, *Ihdad* is intended to express deep sorrow over the loss of a husband. It is important to note that, apart from cases of divorce due to death, other forms of divorce do not require *Ihdad*. This practice aligns with the traditions of women during the era of Prophet Muhammad SAW and the Rightly Guided Caliphs, who applied *Ihdad* exclusively in cases of divorce due to death.<sup>23</sup>

#### ***Ihdad* in the View of Jurisprudence Scholars**

The imams of a school of thought have specific patterns of thinking in formulating legal rulings, which can serve as a fundamental guideline for their followers to objectively assess their *ijtihad* results. Often, a profound understanding of the teachings developed by earlier scholars can help contemporary scholars develop laws to address new social issues. But simply understanding the fundamentals of earlier legislation is not enough to address contemporary legal issues. Therefore, the process of legal exploration requires a

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<sup>22</sup> Nasution, Ja'far, and Harahap, "Pelaksanaan *Ihdad* Bagi Isteri Yang Di Tinggal Mati Menurut Mazhab Syafi'I (Studi Kasus Di Kecamatan Percut Sei Tuan Kabupaten Deli Serdang)."

<sup>23</sup> Arianto, Za'im Muhibulloh, and Rinwanto, "*Ihdad* Suami Perspektif Masalah Mursalah."

means to produce laws that are in accordance with Islamic law. This demands that scholars master and understand two essential subjects: *ushul fiqh* and *fiqh*.<sup>24</sup>

Scholars, especially legal experts, have long adhered to various views and approaches in carrying out *ijtihad*. They tend to use the Quran and Sunnah as the primary basis for formulating Islamic law. In the process of *istinbath al-hukm*, *ra'yu* is rarely utilized, and even when *ra'yu* is applied in legal formulation, *qiyas* is the only form of *ra'yu* used in the *ijtihad* process.<sup>25</sup>

Ibn Rushd explains that the ulama agree that during the *iddah* period, a free Muslim woman is obligated to perform *Ihdad* after the death of her husband. However, Hasan has a differing perspective, resulting in disagreements regarding the behavior of women in situations apart from *iddah* when their husbands die, as well as regarding the limits of prohibited and permissible behaviors during *Ihdad*. Generally, the ulama agree that the obligation of *Ihdad* applies to women who have had their husbands pass away, as long as the woman is still in a valid marriage bond, even if they have never had intimate relations.<sup>26</sup>

The opinion of the ulama, including Wahbah al-Zuhaily in his book, is that a Muslim woman whose husband has passed away is obligated to fulfill her duty of *Ihdad*, regardless of whether she has been married before or not, and irrespective of her age, whether she is an adult or a child. Thus, divorced women, whether *raj'i* or *ba'in*, are not subject to *Ihdad*'s duty. This distinction is because *Ihdad* is more related to the grief of being permanently separated from a beloved husband. For divorced women, the ruling is merely Sunnah according to Imam Shafi'i. The scholars agree that a mourning woman is not permitted to wear fragrant or brightly colored clothing, except for black, which is considered a symbol of mourning. Imam Malik and Asy-Syafi'i adopt a tolerant stance and allow mourning attire to be in black. Meanwhile, *Urwa* criticizes wearing Yemeni clothing, and Imam Malik also condemns thick Yemeni clothing, as explained by Ibn Mundzir.<sup>27</sup>

The scholars discuss the obligation of *Ihdad* for anyone who has a legitimate marriage, even if that person is not yet of age. This obligation is based on a hadith from the Prophet Muhammad SAW narrated by Zainab binti Ummu Salamah, which mentions that Umm Habibah applied perfume and stated that she did so because she believed in the presence of the Prophet SAW. It is mentioned that Umm Habibah used yellow perfume, expressing that she did so because she believed the Prophet SAW was present. It is also

<sup>24</sup> Johan Efendi, "Kedudukan Kaidah Fikih Dalam Ijtihad Dan Relevansinya Dengan Kompilasi Hukum Islam (Khi)" X, no. 2 (2018): 59–88.

<sup>25</sup> Andi Wulanjiha et al., "Pemikiran Hukum Islam Salafi-Wahabi Dalam Pandangan Ulama Fikih Empat Mazhab," *El-Faqih : Jurnal Pemikiran Dan Hukum Islam* 10, no. 2 (2024): 275–300.

<sup>26</sup> Wahyu Akbar et al., "Reposition of *Ihdad* Women's Multi-Career Perspective: Philosophical, Historical, Juridical, and Sociological Studies," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (June 30, 2024): 372–89, <https://doi.org/10.22373/ujhk.v7i1.23038>.

<sup>27</sup> Abdullah Abdullah, "*Ihdad* Wanita Karir (Tenaga Pendidik Pegawai Negeri Sipil) Perspektif Ulama Kontemporer Kota Lhokseumawe," *Syarah: Jurnal Hukum Islam & Ekonomi* 10, no. 2 (2021): 253–75, <https://doi.org/10.47766/syarah.v10i2.217>.

mentioned that a believing woman cannot remain loyal to her husband for eight months until the end of time (HR. Muslim).

Based on this hadith, the scholars assert that there is no such thing as *Ihdad* for men, and a woman who is divorced, whether due to *raj'i* or *ba'in*, is not required to perform *Ihdad*. Imam Shafi'i, however, holds the view that if there is no intention to reconcile with her husband, then a woman who has been divorced *raj'i* is obligated to perform *Ihdad*. Moreover, Imam Malik emphasizes that *Ihdad* is obligatory for all Muslim women and women of the Scripture, regardless of their age. Imam Malik believes that those who lost their husbands, whether they are of free or slave status, are not required to perform *Ihdad*. This is also a conclusion of the fuqaha of Amshar, but Imam Malik's explanation regarding the conditions of *Ihdad* for the People of the Book was articulated by Ibn Nafi' and Asyhab, two followers of Imam Malik who also endorse Imam Malik's statement, as does Imam Shafi'i, who asserts that women are not obligated to perform *Ihdad*.<sup>28</sup>

### ***Ihdad* in the Perspective of the Jurisprudence of Four Madhhab**

#### **1. Hanafiyyah Madhhab**

In simple terms, the term *Ihdad* means protecting oneself from harm, but in a narrower sense, it refers to avoiding the use of fragrances, eyeliner, jewelry, and other things that may attract attention. The purpose of *Ihdad* is to introspect and identify factors that could cause others to feel uncomfortable. According to this definition, wearing perfumes, cosmetics, and jewelry is considered attention-seeking behavior, which should be avoided during the *Ihdad* period. To determine who is obligated to perform *Ihdad*, scholars have set several criteria, including: being of legal age, sane, a practicing Muslim, and having been widowed or divorced from a marriage that is deemed valid, whether through death or irrevocable divorce (*ba'in*). Thus, performing *Ihdad* is obligatory.

According to the Hanafiyyah school, young girls, insane women, women of the Scripture, and women who have been subjected to revocable divorce (*raj'i*) are not required to perform *Ihdad*. They argue that *Ihdad* is a duty rooted in Islamic faith, which is based on being of legal age and having sound mind; lacking one of these conditions would invalidate the obligation. In contrast, Imam Shafi'i maintains that both minors and adults, as well as women of the Scripture, are still required to perform *Ihdad* because *Ihdad* is considered part of the *iddah* period. This means if both are obliged to observe *iddah*, then both must also observe *Ihdad*. According to the Hanafiyyah, the status of being free is not a condition for *Ihdad*. They believe that *Ihdad* fundamentally represents a form of sorrow, which should not be tied to the status of freedom. Therefore, it is also obligatory for a *mukatab* (a slave with a contract for freedom) and *ummul walad* (the mother of a child born to her master). Thus, the requirement for *Ihdad* extends generally.

#### **2. Malikiyyah Madhhab**

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<sup>28</sup> Arifin and Marzuki, "*Ihdad* Bagi Perempuan Dalam Kompilasi Hukum Islam (Sebuah Analisis Gender)." ."

*Ihdad*, in linguistic terms, means to prevent. According to Ibn Arafah, *Ihdad* refers to refraining from all things used for adornment. This includes all forms of jewelry, even iron rings, as the purpose of *Ihdad* is to express grief and avoid drawing attention from others. Therefore, anything that could attract public attention, such as jewelry and other adornment items, should be avoided during the *Ihdad* period. Regarding who is obligated to perform *Ihdad*, this obligation applies to adult women undergoing *iddah* due to the death of their husbands, and it does not extend to women who have been divorced. Thus, women who are divorced, whether through revocable divorce (*raj'i*) or irrevocable divorce (*ba'in*), are not required to perform *Ihdad*. As for young girls, they are not obliged to perform *Ihdad*, although it is advisable for their guardians to ensure they do not adorn themselves. *Ihdad* is also obligatory for slaves and dhimmi women (non-Muslim citizens) who are married to Muslim men, as the essence of *Ihdad* is to prevent the attention of other men.<sup>29</sup>

### 3. Syafi'iyah Madhhab

*Ihdad*, in linguistic terms, means to prevent, while in its specific sense, it refers to refraining from adornment. According to the views of Al-Shafi'i and Abu Hanifah, women of the Scripture (*ahl al-kitab*) are not obligated to perform *Ihdad*. This perspective is based on a hadith of the Prophet that states, "A woman who believes in Allah and the Last Day should not adorn herself..." This hadith implies that faith is one of the main criteria for the obligation of *Ihdad*. Therefore, if a woman lacks faith in this context, including women of the Scripture, the provisions regarding *Ihdad* do not apply to her. Consequently, non-Muslim women, including those of the Scripture, are not required to perform *Ihdad*.

The differing opinions among the *fuqaha* regarding the obligation of *Ihdad* for Muslim women but not for non-Muslim women arise from varying interpretations of the meaning of *Ihdad* itself. Those scholars who view *Ihdad* as a form of worship that cannot be fully understood in its essence argue that the obligation of *Ihdad* applies only to Muslim women and not to non-Muslim women. Meanwhile, scholars who regard *Ihdad* as a form of worship with a clear purpose—namely, to prevent men's gaze toward women and to protect women in their mourning from seeing men—contend that the provisions of *Ihdad* also apply to non-Muslim women, as the goal remains the same: to maintain modesty and honor.

### 4. Hanabilah Madhhab

*Ihdad* is a form of prohibition for women who are in the *iddah* period after the death of their husbands, preventing them from beautifying themselves or engaging in actions that may attract men's attention, including anything that could lead to marital relations. In the Hanafi and Shafi'i schools, there is a view that non-Muslim women, including women of the Scripture (Jews and Christians), are not obligated to

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<sup>29</sup> Rindi Andika and Ismail, "Telaah Analisis *Iddah* Bagi Perempuan Berbasis Al-Qura Dan Sains," *Al-Bayan* 6, no. 2 (2023): 312–28.

perform *Ihdad*.<sup>30</sup> This is based on a hadith from the Prophet which states that a woman who believes in Allah and the Last Day is not permitted to observe *Ihdad* for more than three days, except for her husband during four months and ten days. This hadith indicates that the primary condition for the obligation of *Ihdad* is faith; hence, women who lack faith are not subject to this provision.

Furthermore, it is argued that *Ihdad* is a form of worship, and in Islam, every act of worship has fundamental requirements that include being Muslim and of legal age (*baligh*). Therefore, *Ihdad* is not obligatory for young girls or non-Muslims who fall under the protection of an Islamic state (*dhimmi*) because they do not meet the Islamic criteria that are the fundamental basis for performing acts of worship.

In addition to the criteria of faith and maturity, the obligation of *Ihdad* also depends on the validity of the marriage. Jurists state that if a woman is widowed within a valid marriage, she is required to observe the period of *Ihdad*. However, if her marriage is considered invalid or legally flawed according to Islamic law, then the obligation of *Ihdad* does not apply to her. In this regard, the Hanafi school's perspective aligns with that of other scholars regarding the conditions for *Ihdad*.<sup>31</sup> Regarding the status of slave women who are in the process of earning their freedom (*mukatabah*), scholars hold differing views due to the ambiguity of their status—whether they are classified as free or still enslaved. For slave women who are fully owned property or those who have given birth to children from a master (*ummul walad*), the majority of scholars agree that the obligation of *Ihdad* is lifted for them. This is due to the differing treatment of these women in Islamic law, where their status is not entirely equivalent to free women in family law and *iddah* matters.<sup>32</sup>

### **Analysis of the Reformulation of the Concept of *Ihdad* in Contemporary Era**

In the contemporary era, many women undergo *Ihdad* after the death of their husbands, adhering to the regulations that govern what is permissible and prohibited during the *iddah* period. Women are prohibited from using eyeliner, perfumes, hair dyes, henna for nails, wearing red or earthy colors, as well as jewelry. The ethical and moral aspects associated with the *iddah* period are intended as a form of protection for women.<sup>33</sup> First, to replace overly strict practices of *Ihdad* with a more humane approach that respects human rights. Second, to ensure that divorced women continue to receive attention and do not lose their rights, as they are entitled to protection in both economic and social aspects.<sup>34</sup>

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<sup>30</sup> Jafar Shodiq, Misno Misno, and Abdul Rosyid, "Pernikahan Beda Agama Menurut Imam Madzhab Dan Hukum Positif Di Indonesia," *Al-Mashlahah Jurnal Hukum Islam Dan Pranata Sosial* 7, no. 01 (2019): 1, <https://doi.org/10.30868/am.v7i01.543>.

<sup>31</sup> Soraya Devy and Maryam, "Persepsi Masyarakat Tentang Pelaksanaan *Iddah* Wanita Karier Karena Cerai Mati Di Kec. Blangkejeren Kab. Gayo Lues, Aceh," *El-Ussrah* 3, no. 1 (2020): 53–83, <https://doi.org/10.22373/ujhk.v2i2.7659>.

<sup>32</sup> Arianto, Za'im Muhibbulloh, and Rinwanto, "*Ihdad* Suami Perspektif Masalah Mursalah."

<sup>33</sup> Miftakur Rohman and Yuliana, "*Iddah* Sebagai Instrumen Perlindungan Perempuan Dalam Hukum Islam," *MASADIR* 04, no. April 2024 (2024): 850–63.

<sup>34</sup> Suparyanto dan Rosad (2015, "*Iddah* Dan *Ihdad* Wanita Modern," *Suparyanto Dan Rosad (2015* 5, no. 3 (2020): 248–53.

During the time of Prophet Muhammad SAW, there were several hadiths related to *Ihdad*. One such hadith involves Umm Salamah asking the Prophet, “*O Messenger of Allah, my daughter has just lost her husband, and her eyes are in great pain. Can we apply kohl (eyeliner) for her?*” The Prophet responded, “*No.*” Additionally, there is a hadith from Al-Fadli bin Dukain reporting that the Prophet said, “It is not lawful for a woman who believes in Allah and the Last Day to perform *Ihdad* for more than three days, except for her husband, for whom she must observe *iddah* for four months and ten days.”<sup>35</sup>

Historically, the tradition of *Ihdad* stems from practices that predate Islam. In ancient times, Arab women whose husbands had died were required to isolate themselves at home, forbidden from leaving the house, and prohibited from wearing attention-grabbing clothing. One hadith mentions that the smell of a woman in *Ihdad* was so foul that no one dared come near her. When such a woman would step outside, crows were said to approach her due to the strong odor, reminiscent of carrion. During that time, the period of *Ihdad* lasted a very long time. This obligation of *Ihdad* is linked to the requirement of *iddah*, which mandates that a woman whose husband has died must remain at home and refrain from remarrying during the *iddah* period. Therefore, it is obligatory for her to observe *Ihdad*, which involves avoiding adornment and activities that could attract men’s attention.<sup>36</sup>

The laws of *iddah* and *Ihdad* are also applied to women who have jobs and are divorced by their husbands, whether due to divorce or death, except in cases of emergency or urgent necessity. This is based on a hadith narrated by Jabir bin Abdillah in Sahih Muslim. Jabir recounts that his divorced aunt wanted to pick dates one day, but a man admonished her for being outside the home. Jabir’s aunt then went to the Prophet SAW for clarification on this matter. The Prophet replied, “Of course, pick your dates; perhaps you can give charity by doing good.” (HR. Muslim).<sup>37</sup>

According to Husain bin Audah, the Prophet’s instruction to pick dates shows that urgent needs should take precedence over following *Ihdad* rules after a husband’s death. Ibn Taymiyyah elaborates on this in his book in response to questions about a woman undergoing *iddah* after her husband’s death. If she does not stay at home but goes out to fulfill her living needs, such as seeking sustenance or interacting with the community, Ibn Taymiyyah states that there is no harm in her violating the prohibition against adornment, using cosmetics, or perfume. She is also permitted to eat halal food as she wishes, consume fruits, and mingle with people she normally would in ordinary circumstances. However, she is not allowed to accept marriage proposals openly during her *iddah* period.<sup>38</sup>

<sup>35</sup> Muhammad Azwar Kamaruddin, Airah Amir, and Abd Rahim Razaq, “The *’Iddah* in Artificial Insemination: A study between Medical and Shariah Point of View,” *Malaysian Journal of Syariah and Law* 8, no. 1 (June 1, 2020): 33–49, <https://doi.org/10.33102/mjssl.v8i1.177>.

<sup>36</sup> Maghfuroh, “*Iddah* Dan *Ihdad* Bagi Wanita Karir Menurut Pandangan Hukum Islam.”

<sup>37</sup> Maghfuroh.

<sup>38</sup> 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>.

In contemporary times, the influence of pre-Islamic traditions is still evident in the application of the restrictions of *Ihdad*, which originally lasted for a year but has now been adjusted to four months and ten days. Furthermore, there are strict prohibitions on women adorning themselves, even in moderation. Therefore, it is crucial to reinterpret the concept of *Ihdad* to align it with the current context. Nonetheless, the core value of applying *iddah* and *Ihdad* is to honor women who have lost their husbands, whether due to death or divorce. This aims to clarify the status of the woman's womb, provide her with time to reflect, and prepare herself to take on the role of a single parent or decide whether to focus on her children or remarry.<sup>39</sup> For working women, the ability to leave home and dress appropriately is essential as it supports their career development and helps them fulfill their responsibilities to their families, especially their children, which is part of a mother's role.<sup>40</sup>

As an illustration, a working woman whose husband has passed away is required to undergo *iddah*, which is a waiting period before she can remarry after divorce or the death of her husband.<sup>41</sup> In this regard, the *iddah* and *Ihdad* periods are waiting times regulated by the scholars, who state that women in *Ihdad* are prohibited from wearing jewelry or items that could attract men's attention, such as jewelry, diamonds, and kohl. Furthermore, women undergoing *Ihdad* are also prohibited from interacting with men or engaging in actions that may draw men's attention to them. To address challenges that arise during the *Ihdad* period, one solution that can be applied is the theory of *ri'ayah al-maslahah at-Tufi*, which prioritizes benefit (*maslahah*) in situations that conflict with religious texts (*nas*), particularly in matters of *mu'amalah* (social transactions). According to this theory, if there is a conflict with *nas*, consideration of *maslahah* takes precedence because it does not lead to disputes such as *ijma'* (consensus) or *nas*.<sup>42</sup>

In the context of *Ihdad*, the *nas* that stipulates a waiting period of four months and ten days is considered overly long, especially for working women. Based on the principle of *ri'ayah al-maslahah at-Tufi*, the duration of *Ihdad* for women could be adjusted to meet contemporary needs and circumstances, thus not strictly adhering to the lengthy provisions of *nas*. It is essential to acknowledge that the intent behind *Ihdad* is to provide respect and protection to women following the loss of their husbands, ensuring they have the time and space needed to navigate their grief, assess their future, and make informed decisions regarding their lives moving forward.

## **CONCLUSION**

*Ihdad*, according to the scholars, reflects a variety of perspectives, although they agree that *Ihdad* is obligatory under certain conditions for the benefit of women who have lost their husbands. One consensus among the *fuqaha* is the obligation of *Ihdad* for

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<sup>39</sup> Kholaf Al Muntadar, *Hak, Peran, Dan Etika Perempuan Dalam Al-Quran*, 2023.

<sup>40</sup> Maghfuroh, "Iddah Dan Ihdad Bagi Wanita Karir Menurut Pandangan Hukum Islam."

<sup>41</sup> Arifah Milati, "Teori Ri'ayah Al-Maslahah Dan Aplikasinya Dalam Menakar Problematika" 7, no. 1 (2014): 1–16.

<sup>42</sup> Arifah Milati, "Teori Riayah Al Maslahah At Tufi Dan Aplikasinya Dalam Menakar Problematika Ihdad," *Al-Ahwal* 7, no. 1 (2014): 1–16.

Muslim women, while it is not required for non-Muslim women. This difference of opinion arises because some fuqaha consider *Ihdad* as a form of worship whose meaning cannot be directly understood, thus they do not impose it on non-Muslim women. Conversely, fuqaha who view *Ihdad* as a worship with a clear purpose—namely, to prevent women from attracting men’s attention and to avoid men’s gazes towards women in *Ihdad*—argue that this obligation applies to both non-Muslim and Muslim women.

In the context of the contemporary era, *Ihdad* retains some pre-Islamic traditions, particularly concerning the mourning period, which initially lasted for one year but has since been adjusted to four months and ten days in Islam. Additionally, there are strict prohibitions on women adorning themselves, even if in a more simplified manner. Therefore, it is essential to reinterpret the concept of *Ihdad* to align it with contemporary developments and current contexts so that it can be applied in a manner that is relevant and meets modern social and cultural needs.

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