

## **Formulation of *Ihdād* Rights for Career Women in Counter Legal Draft Compilation of Islamic Law**

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### **Abstract**

This study aims to analyze and formulate applicable *ihdad* rights for career women within the framework of the Counter Legal Draft Compilation of Islamic Law. Counter Legal Draft KHI is a legal product of Islamic law reform in Indonesia. The material contained in the KHI is considered gender bias against women, so CLD-KHI was born which aims to revise the article on gender bias in the KHI. With one of the approaches used in formulating laws based on gender equality so that the role of women in society that has undergone significant evolution, including in terms of education, career, and active participation in economic life does not reduce women's rights. This research is classified as library research type, data is collected by reviewing and reviewing various books that have relevance to the subject matter, and then using primary and secondary data sources, with normative analysis research methods on various sources of Islamic law, legal documents, and related literature. This research also involves a comparative approach to compare the views of different schools of Islamic law regarding *ihdad* rights and their context in the lives of career women today. The results showed that it is necessary to reformulate *ihdad* rights in order to accommodate the aspirations and real conditions of career women. This reformulation should take into account just and balanced inheritance rights, without neglecting fundamental principles of Islamic law. In addition, it is also necessary to integrate social, economic, and cultural aspects in consideration of the formulation of new *ihdad* rights. This research contributes in the face of social change and the demands of gender equality in the context of Islamic law. It is hoped that the resulting *ihdad* rights formulation can provide guidance for legislators and legal practitioners in developing more inclusive and fair regulations for career women, while adhering to fundamental Islamic legal principles.

**Keywords:** *Ihdad* Rights Formulation; Career Women; Counter Legal Draft; Compilation of Islamic Law

### **Abstrak**

Penelitian ini bertujuan untuk menganalisis dan merumuskan hak *ihdad* yang dapat diterapkan bagi wanita karir dalam kerangka Counter Legal Draft Kompilasi Hukum Islam. Counter Legal Draft KHI adalah suatu bahan produk hukum pembaharuan hukum Islam di Indonesia. Materi yang terdapat di KHI dianggap bias gender terhadap perempuan, maka lahirlah CLD-KHI yang bertujuan merevisi pasal pasal bias gender dalam KHI. Dengan salah satu pendekatan yang digunakan dalam merumuskan hukum berlandaskan atas kesetaraan gender sehingga peran wanita dalam masyarakat yang telah mengalami evolusi signifikan, termasuk dalam hal pendidikan, karir, dan partisipasi aktif dalam kehidupan ekonomi tidak mengurangi hak-hak

perempuan. Penelitian ini tergolong penelitian jenis library research, data dikumpulkan dengan mengkaji dan menelaah berbagai buku yang mempunyai relevansi dengan pokok pembahasan, dan selanjutnya penyusun menggunakan sumber data primer dan sekunder, dengan metode penelitian analisis normatif terhadap berbagai sumber hukum Islam, dokumen legal, dan literatur terkait. Penelitian ini juga melibatkan pendekatan komparatif untuk membandingkan pandangan berbagai mazhab dalam hukum Islam terkait hak *ihdad* dan konteksnya dalam kehidupan wanita karir masa kini. Hasil penelitian menunjukkan bahwa perlunya reformulasi hak *ihdad* dalam rangka mengakomodasi aspirasi dan kondisi nyata wanita karir. Reformulasi ini sebaiknya mempertimbangkan hak-hak waris yang adil dan seimbang, tanpa mengabaikan prinsip-prinsip hukum Islam yang mendasar. Selain itu, diperlukan juga pengintegrasian aspek sosial, ekonomi, dan kultural dalam pertimbangan formulasi hak *ihdad* yang baru. Penelitian ini memberikan kontribusi dalam menghadapi perubahan sosial dan tuntutan kesetaraan gender dalam konteks hukum Islam. Diharapkan bahwa hasil formulasi hak *ihdad* yang dihasilkan dapat memberikan panduan bagi legislator dan praktisi hukum dalam mengembangkan regulasi yang lebih inklusif dan adil bagi wanita karir, sambil tetap berpegang pada prinsip-prinsip hukum Islam yang mendasar.

**Kata kunci:** Formulasi Hak *Ihdad*; Wanita Karir; Counter Legal Draft; Kompilasi Hukum Islam

## 1. Introduction

Marriage is a legal act that carries significant and profound implications for both society and the state (Azzam, 2015). A family formed within the framework of marriage represents the smallest and most fundamental unit of society (Aminah & Sugitanata, 2022). The marital bond encompasses both physical and emotional dimensions, involving an ongoing responsibility that is not limited to a mere civil relationship between individuals during their lifetime, but one that is also accountable before Allah (Alam, 2019). Therefore, marriage must be conducted in accordance with sharia law (Mardian et al., 2021).

The occurrence of death brings legal consequences for the relationship between the deceased and those left behind, particularly family members and individuals who had legal ties with the deceased. This is evident in matters such as inheritance, marriage, divorce, and other civil relationships. In relation to divorce, when a woman is widowed due to the death of her husband, Islamic marital law in Indonesia mandates that she observe *iḥdād* during the waiting period (*‘iddah*) (Pomahiya et al., 2022).

Based on the consensus of Islamic scholars, a woman who is divorced—whether through a revocable or irrevocable divorce—or widowed is obliged to observe the *‘iddah* period (Saputera & Lamunte, 2020). This consensus is grounded in the Qur’an, Hadith, and *ijmā’* (scholarly consensus). The *fuqahā’* agree that *iḥdād* is obligatory for a woman whose husband has passed away in a valid marriage (Hidayati, 2019). However, according to the Ḥanafī school of thought, this obligation does not apply to girls who have not reached puberty, women who are mentally incapacitated, or women divorced from an invalid or *shubha* marriage (Suhasti et al., 2018). The *iḥdād* period also applies to *dhimmī* women (non-Muslim women under Muslim rule), though they are not religiously required to observe *iḥdād* upon the death of a Muslim husband.

Nonetheless, according to the Mālikī school, *dhimmī* women are required to observe *iḥdād*, as they entered into marriage with Muslim men and are therefore entitled to the same

rights and responsibilities as Muslim women. The Ḥanafī school also requires a woman to observe *iḥdād* after the completion of a triple divorce (*ṭalāq ṭhalāthah*), while other jurists consider it merely recommended (*sunnah*) (Al-Jazīrī, 2015). The Ḥanafī position views *iḥdād* as obligatory because it serves as an expression of grief over the loss of Allah's blessing. Hence, the obligation to observe *iḥdād* also applies to women in general. According to the Ja'farī school, however, only a woman who has been widowed is required to observe *iḥdād*, as mourning becomes irrelevant in cases where divorce was initiated through the husband's choice.

The discussion and regulation of Islamic marital law in the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) also has implications for the regulation of *iḥdād*, as it constitutes part of the broader framework of Islamic marital jurisprudence (Abdullah, 2018). The regulation applies solely to women (wives); during the *'iddah* period, a woman must observe *iḥdād* as a symbol of mourning and to avoid potential slander (*fitnah*). However, the development and codification of *iḥdād* in the KHI has sparked strong criticism from segments of the Muslim community. This criticism is largely due to perceived discrimination against women and the lack of gender equality in the KHI's concept of *iḥdād*.

For instance, widowed working women are required to observe *'iddah* and consequently *iḥdād*, which restricts their mobility and professional engagement. The *'iddah* period serves as a waiting period before a woman may remarry following a divorce or the death of her husband. Scholars have unanimously agreed that *iḥdād* must be observed during this period to ensure, among other things, whether the woman is pregnant or not. Therefore, there is a pressing need to examine and reflect upon the relationship between legal rulings and social needs, especially in terms of women's rights (Kusmayanti & Ramadhanty, 2021). Many believe that women are marginalized by these regulations, particularly the requirement to mourn for four months and ten days following a husband's death, which can be detrimental to the careers of certain professional women. A ruined career can lead to the collapse of a woman's personal and family life—especially in cases where the woman serves as the main provider for her family (Warren, 2008).

This study examines the Compilation of Islamic Law (KHI) because it serves as a key reference for Islamic marital law in Indonesia. Despite ongoing evaluations of its relevance, the KHI remains the primary source for Islamic marital jurisprudence in the country. On the other hand, the Counter Legal Draft (CLD) of the KHI has emerged as an alternative framework. The CLD attempts to reinterpret Islamic teachings through a universal lens, emphasizing public welfare (*maṣlaḥah*), justice, and gender equality. It critically engages with the gender-biased reasoning found in the original Compilation of Islamic Law.

## 2. Methods

This research is a library-based study (library research) employing a philosophical and normative-juridical approach. This model of research focuses on examining ideas and

thoughts contained in books, legal documents, statutory regulations, legislative drafts, academic manuscripts, classical Islamic texts, journals, and both print and online media sources that are relevant to the research theme. The object of this study centers on the methods of legal reform concerning the articles on *iḥdād* found in the Compilation of Islamic Law (KHI) and the Counter Legal Draft of the KHI (CLD-KHI). The research is descriptive, analytical, and comparative in nature. The descriptive aspect aims to accurately portray the reforms in Islamic family law in Indonesia as reflected in both the KHI and the CLD-KHI. The data collection technique utilized in this study is library research, which involves examining and analyzing various texts that are relevant to the main discussion. The researcher makes use of both primary and secondary sources of data in conducting this analysis.

### 3. Discussion

#### 3.1. *Iḥdād* in the Compilation of Islamic Law and the Counter Legal Draft Compilation of Islamic Law

Regarding the obligation to observe mourning, scholars have expressed differing opinions. The consensus holds that *Iḥdād* (mourning) is specifically prescribed for women whose husbands have passed away. This form of Islamic mourning is intended to honor and grieve the deceased husband (Hakim, 2022). During the mourning period, women are prohibited from wearing colorful clothing, jewelry, powder, kohl, henna (nail dye), or perfume. However, scholars generally permit women to wear white clothing, remove underarm hair, trim their nails, bathe, and apply hair oil—provided such actions are not intended for beautification, but for hygiene and health maintenance.

Women whose husbands have passed away are obligated to observe *Iḥdād*, regardless of their age or religious background—be they young or elderly, Muslim or non-Muslim—with the exception of the Hanafi school. This has been agreed upon by the majority of scholars of the traditional legal schools (*madhāhib*) (Najib, 2020). However, underage girls and *dhimmi* women (non-Muslims living under Muslim rule) are exempt from the obligation, as they are considered not legally accountable (*ghayr mukallaḥ*) according to certain jurisprudential opinions (Aminah & Sugitanata, 2022).

The obligation to mourn has been a matter of scholarly debate. Nonetheless, there is consensus that *Iḥdād* applies to women whose husbands have died. The original intent of *Iḥdād* in Islam is to honor and commemorate the deceased spouse. Scholars differ regarding the obligation of *Iḥdād* for women divorced through an irrevocable divorce (*ṭalāq bā'in*) (Bilalu et al., 2022). According to Imam Mālik, mourning is not obligatory for a woman divorced in this manner. However, scholars such as Abū Ḥanīfah and al-Thawrī hold that women divorced irrevocably should observe mourning by analogy to those whose husbands have died. Imam al-Shāfi'ī, on the other hand, opines that mourning in this context is merely recommended (*mandūb*). For women undergoing the waiting period (*'iddah*) following a revocable divorce (*ṭalāq raj'ī*), the majority of scholars agree that mourning is not required.

In fact, it is preferable for such women to enhance their appearance in order to potentially reconcile with their husbands (Habibi, 2021).

From the perspective of Islamic jurisprudence (*fiqh*), several restrictions apply to women in mourning:

- a. Wearing adornments, unless absolutely necessary;
- b. Using fragrance, except for eliminating body odor (such as soaps or mild perfumes);
- c. Spending the night outside her residence, in accordance with the majority opinion that a woman in mourning should remain in the marital home;
- d. Beautifying herself, whether by adorning the body, face, or wearing colorful clothing.

Women who are not married are not obligated to observe *Iḥdād*. Jurists who limit the obligation only to women whose husbands have died—excluding those who are divorced—base their reasoning on the literal interpretation (*ẓāhir*) of the hadiths. Conversely, those who extend the obligation of *Iḥdād* to divorced women adopt a more inferential (*mafḥūm*) understanding (Hidayati, 2019). From this, it becomes clear that *Iḥdād* is primarily intended to discourage the gaze of unrelated men during the woman's waiting period, serving as a preventive measure (*sadd al-dharī'ah*) to ward off potential harm or impropriety (Ansori, 2022).

The Compilation of Islamic Law (KHI) and the Counter Legal Draft Compilation of Islamic Law (CLD-KHI) are legal products aimed at reforming Islamic law in Indonesia (Amri, 2020). The KHI has been critiqued for containing gender-biased provisions, which led to the development of the CLD-KHI to revise such articles through a gender-equitable legal approach (Abdullah, 2018). This study, therefore, aims to analyze the influence of gender equality considerations in the legal reforms reflected in both the KHI and CLD-KHI, particularly in the provisions concerning *Iḥdād*.

Firstly, the method of *Iḥdād* in the KHI is based on the principle of *al-'adālah* (justice), which implicitly places women in a subordinate position. This is because traditional interpretations of *Iḥdād* predominantly focus on women, as reflected in classical *fiqh* literature that serves as the primary reference for the KHI.

Secondly, the CLD-KHI applies the principle of *al-musāwah* (equality). It advocates for equal treatment of men and women in mourning obligations, based on the core Islamic values of equality, justice, and brotherhood. While the CLD-KHI retains the same purpose of mourning as the KHI, it expands the concept to include familial obligations, which are absent in the KHI (Wibisono, 2020). Both documents mandate mourning for women; however, they differ regarding men: the KHI regards male mourning as a matter of propriety, while the CLD-KHI renders it obligatory (Alfitri, 2020).

The formulation of *Iḥdād* and *'iddah* in the KHI is influenced by several factors. First, the continued reliance on classical *fiqh* sources, which are often exclusive and male-centered. Second, as per the directives of the Supreme Court of Indonesia, the KHI represents a project of Islamic legal development through jurisprudence largely dominated by male legal scholars,

thereby influencing the gender perspective embedded in the formulation of its articles. From a gender perspective, a resolution is needed to bridge the gap between classical fiqh constructs adopted in the KHI and the lived realities of modern women, especially those active in the public sphere. Harmonizing Islamic legal provisions with contemporary social conditions ensures that both men and women can observe the religious obligation of mourning (*Iḥdād*) without facing undue hardship (Nasir, 2022).

*Iḥdād* (mourning), particularly the mourning period observed by a woman whose husband has passed away, is addressed in Article 170, Chapter XIX of the Compilation of Islamic Law (KHI), under the heading “Mourning Period,” as follows:

- a. A wife whose husband has died is obligated to observe a mourning period (*Iḥdād*) for the duration of her waiting period (*‘iddah*) as a sign of grief and to prevent potential slander or suspicion.
- b. A husband whose wife has died is advised to observe a mourning period in accordance with customary norms.

This indicates that a woman is legally required to undergo *‘iddah* and *Iḥdād* for a period of four months and ten days upon the death of her husband. During this time, she is expected to express her sorrow by refraining from beautification, such as applying kohl or leaving the home unnecessarily. These actions serve to honor her late husband.

In the author’s view, the prohibition against a woman leaving the house during her mourning and waiting period is still reasonable, unless there are urgent circumstances. This prohibition is likely intended to prevent slander and to show respect for the deceased. Nevertheless, many widows are also the primary breadwinners for their families following the death of their husbands. Consequently, they face a dual burden: fulfilling their religious obligation to observe *‘iddah* and *Iḥdād*, and meeting their responsibilities as heads of households. Therefore, it is essential to strike a balance between the requirements of religious law and the socio-economic realities of modern women.

### 3.2. Islamic Legal Perspective on the Implementation of *Iḥdād* for Career Women

Pregnant women require substantial rest during childbirth and often experience physical discomfort and psychological stress for 40 to 60 days afterward. In addition, the breastfeeding period—typically lasting up to two years—can significantly reduce a mother’s stamina due to the physical toll of producing milk and the nutrients transferred to the baby. For this reason, Islamic teachings encourage women to pursue professions or careers that align with their natural disposition (*fiṭrah*) and do not compromise their rights to work. In Islam, a woman is not only expected to raise her children but also to treat her husband kindly and obey him in matters that conform to obedience to Allah SWT. The Prophet Muhammad (peace be upon him) once responded to the question, “Who is the best woman?” by saying:

*“The best woman is the one who pleases her husband when he looks at her, obeys him when he commands her, and does not go against his wishes concerning herself or his wealth.”* (Al-Suyūṭī, 1991)



Islam views men and women as equal in dignity, as stated in the Qur'an, Surah Al-Isra (17:70):

*"Indeed, We have honored the children of Adam, carried them on land and sea, provided them with good things, and preferred them greatly over many of those We created."*  
(Kementarian Agama RI, 2019)

Historically, however, women have suffered from dehumanization due to entrenched patriarchal cultures, and in many contexts, discrimination continues today. Based on literature reviews, the author argues that materialistic factors are a primary cause of such dehumanization, which then reinforces patriarchal systems across all areas of life.

From an Islamic viewpoint, both men and women are encouraged to actualize their potential. Islam permits women to engage in careers or professions as long as these do not conflict with their essential nature as women, do not undermine their honor or dignity, and protect them from moral corruption or harassment. In terms of career participation, Islam does not exclusively assign employment to men; women are equally permitted to utilize their skills and expertise in lawful professions that preserve their integrity. This is supported by several Qur'anic verses, including Surah An-Nahl (16:97), At-Tawbah (9:71), and An-Nisa (4:32), among others.

The concept of *iḥdād* prohibits women in their waiting period (*'iddah*) from adorning themselves. The objectives of this ruling include:

- a. Preventing the woman from becoming a source of temptation or desire for other men.
- b. Protecting the woman herself from temptation or inappropriate advances.

According to Ibn Rushd, this ruling aligns with the principle of *sad al-dharā'i* (blocking the means to harm), wherein adorning oneself and interacting freely may lead to prohibited actions such as betrothal or marriage during *'iddah*. Thus, adornment (*tabarruj*) serves as a means (*wasīlah*) that may result in unlawful outcomes. Consequently, avoiding adornment is considered a preventive measure to maintain the sanctity of the waiting period.

However, for career women, maintaining professional appearance is often essential for sustaining social interactions in the workplace. Inadequate grooming may lead to professional isolation, diminished opportunities for collaboration, and ultimately, jeopardize one's career. This is particularly significant in professions that have broader public implications, such as legislators, public officials, or heads of state, where the inability to perform effectively can have widespread adverse effects.

Therefore, it may be concluded that for career women, presenting oneself attractively in a professional context becomes a necessary means to safeguard their employment and financial stability. In this context, adornment is viewed not as mere beautification, but as a functional necessity—*ḥājah*—to fulfill vital economic needs (Huda & Wardana, 2020). When neglecting this need results in harm or financial ruin, it may be treated as a case of necessity (*ḍarūrah*) under Islamic legal maxims, justifying exceptions to the general prohibition of adornment during *iḥdād*.

In pre-Islamic societies, women were regarded as inferior beings. Their existence was often ridiculed and their presence considered a source of misfortune. During that time, women in mourning (*iḥdād*) were expected to isolate themselves, refrain from wearing beautiful clothes, and live in unhygienic conditions. One narration even describes their bodies as emitting a foul odor, likened to carrion, to the extent that birds would attack them when they left their homes. The period of *iḥdād* could last for a year.

### **3.2.1. Islamic Legal Provisions on *Iḥdād* for Career Women**

The obligation to observe *iḥdād* is directly tied to the obligation of observing *‘iddah*. During the *‘iddah* period following a husband’s death, women are required to remain indoors, refrain from remarriage, and avoid adorning themselves or engaging in behaviors that might attract male attention. This ruling applies even to career women, whether divorced through death or separation, unless there are cases of emergency or urgent necessity (*ḍarūrah*).

Islam refined the pre-Islamic tradition of *iḥdād* by limiting its duration from one year to four months and ten days, and included specific prohibitions even on ordinary forms of adornment (Nurnazli, 2018). However, a contemporary re-interpretation of *iḥdād* is necessary to accommodate the contextual realities of modern women, especially those in professional settings (Hammad, 2016).

For working women, leaving the house or maintaining a reasonable and appropriate appearance is sometimes essential to fulfilling their responsibilities—whether as professionals, mothers, or caregivers. While such actions may appear to deviate slightly from traditional *iḥdād* norms, they remain acceptable if the woman remains within the bounds of her religious and social obligations (Binarsa & Nasution, 2021). The condition is that she maintains professionalism both in observing *‘iddah* and in performing her duties to support her family.

The debate regarding the permissibility or prohibition of adornment during *‘iddah* reflects regional cultural diversity (Amin et al., 2022). However, for women who must earn a living to support their children, the traditional observance of *iḥdād* may present considerable hardship. Thus, *iḥdād* can be seen more appropriately as a form of etiquette for a grieving wife, rather than a rigid prohibition. If a woman’s professional duties require her to appear in a specific manner, minimal and non-excessive adornment for professional purposes should be permissible.

The institution of *iḥdād* is not intended to restrict women from engaging in normal, lawful activities during *‘iddah*, but rather to offer spiritual and emotional protection during a time of bereavement. It shields them from societal harm or moral danger—especially in the case of career women who are actively engaged in the public sphere.

### **3.2.2. The Wisdom of *Iḥdād* for Career Women**

The observance of *iḥdād* during the *‘iddah* period reflects a woman’s modesty and cultural decorum in the face of personal tragedy such as divorce or the death of a husband. The restriction on leaving the house serves multiple protective purposes: it ensures that she



is not prematurely displaced from her home, protects her from potential threats, and preserves her dignity during a vulnerable time. In modern times, many career women—both within and outside the civil service—continue to work during their *‘iddah* while maintaining a professional appearance (Aminah & Sugitanata, 2022). Given their status as employees, moderate grooming is necessary and should be approached with professionalism. The rise of social media also necessitates careful, context-sensitive use, emphasizing personal decorum and restraint.

Ultimately, the wisdom (*ḥikmah*) of *iḥdād* for career women lies in its function as a form of worship and obedience to divine command. It is also an expression of mourning and a safeguard against societal slander or fitnah. In this sense, *iḥdād* upholds the spiritual, emotional, and social well-being of women, especially those who must navigate both personal loss and professional responsibilities.

#### 4. Conclusion

Based on the findings of this study, it can be concluded that the legal method of *iḥdād* in the Compilation of Islamic Law (KHI) employs the *al-‘Ādah* (custom) approach, which refers to longstanding traditions and scriptural texts that mandate *iḥdād* for women. In contrast, the Counter Legal Draft of the Compilation of Islamic Law (CLD-KHI) proposes an alternative framework rooted in universal Islamic principles such as *al-Musāwā* (equality), *al-‘Adālah* (justice), and *al-Ukhuwwah* (brotherhood), which also obligate *iḥdād* for men. Both KHI and CLD-KHI agree on the obligation of *iḥdād* for women and consider local context, time, and the public good (*al-Maṣāliḥ al-‘Āmmah*) in their application, yet they differ in foundational methodologies and the legal subjects addressed. The strength of this research lies in its comparative analysis, which thoughtfully examines both the textual basis and the normative-conceptual approaches of KHI and CLD-KHI. It demonstrates how Islamic law in Indonesia evolves through the interplay of scriptural interpretation, customary practice, and universal ethical values. This integrative approach enriches the discourse on Islamic family law by highlighting pathways for more contextually grounded and socially responsive legal interpretations. Nonetheless, the study is limited by its focus on textual comparison without incorporating empirical data or broader social perspectives. By concentrating solely on KHI and CLD-KHI, it does not capture the practical application of *iḥdād* across diverse communities in Indonesia where local customs may vary significantly. Therefore, further research using field-based and participatory approaches is essential to assess how these legal theories function in real-life settings among Muslim societies with differing cultural norms.

#### References

Abdullah, M. (2018). Marriage In Islam and the Problem of Gender Equality: A Philosophical Perspective. *Ulumuna*, 22(1), 57–76. <https://doi.org/10.20414/ujs.v22i1.333>

- Al-Jazīrī, A. (2015). *al-Fiqh 'Ala al-Mazāhib al-Arba'ah*. Dār al-Ḥadīṣ.
- Al-Suyūṭī, J. al-D. (1991). *Syarh Sunan al-Nasā'ī*. Dar al-Fikr.
- Alam, S. (2019). Reconstruction of Marriage Zonation in Islamic Law Perspective. *Legality : Jurnal Ilmiah Hukum*, 27(2), 161. <https://doi.org/10.22219/jihl.v27i2.10154>
- Alfitri. (2020). Protecting Women from Domestic Violence: Islam, Family Law, and the State in Indonesia. *Studia Islamika*, 27(2). <https://doi.org/10.36712/sdi.v27i2.9408>
- Amin, I., Efendi, F., & Hertasmaldi. (2022). Mashlahah Married Pregnant Perspective Article 53 Compilation of Islamic Law. *Fokus: Jurnal Kajian Keislaman Dan Kemasyarakatan*, 7(2), 103–115. <https://doi.org/10.29240/jf.v7i2.5364>
- Aminah, S., & Sugitanata, A. (2022). Genealogy and Reform of Islamic Family Law: Study of Islamic Marriage Law Products in Malaysia. *JIL: Journal of Islamic Law*, 3(1), 94–110. <https://doi.org/10.24260/jil.v3i1.556>
- Amri, A. (2020). Perkawinan Beda Agama Menurut Hukum Positif dan Hukum Islam. *Media Syari'ah: Wahana Kajian Hukum Islam Dan Pranata Sosial*, 20(1). <https://doi.org/10.22373/jms.v22i1.6719>
- Ansori. (2022). Position of fatwa in Islamic law: the effectiveness of MUI, NU, and Muhammadiyah fatwas. *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan*, 22(1), 53–71. <https://doi.org/10.18326/ijtihad.v22i1.53-71>
- Azzam, L. S. (2015). *The regulation of interfaith marriages in Islamic legal discourse* [the American University in Cairo]. <https://fount.aucegypt.edu/etds/129/%0Ahttps://fount.aucegypt.edu/cgi/viewcontent.cgi?article=1128&context=etds>
- Bilalu, N., Jamal, R., Harun, N., & Subeitan, S. M. (2022). Compilation of Islamic Law as Judge's Consideration at a Religious Court in North Sulawesi, Indonesia. *Samarah*, 6(2), 514–536. <https://doi.org/10.22373/sjkh.v6i2.12441>
- Binarsa, & Nasution, K. (2021). Application of the Compilation of Islamic Law Article 53 Concerning Marriage to Pregnant Woman and Renewal of Marriage in Mlati District in Maqasid of Sharia Perspective. *Millah: Journal of Religious Studies*, 20(2), 327–354. <https://doi.org/10.20885/millah.vol20.iss2.art6>
- Habibi, A. R. (2021). The Dynamics Of Illegitimate Child Status In Sharia And National Law Of Indonesia: Is There A Harmonization? *Al-Manhaj: Journal of Indonesian Islamic Family Law*, 3(1), 70–80. <https://doi.org/10.19105/al-manhaj.v3i1.4787>
- Hakim, A. (2022). Reasons for Polygamy and Its Impact on Muslim Family Life: Experiences of Polygamous Perpetrators in Babat, Lamongan, Indonesia. *JIL: Journal of Islamic Law*, 3(1), 34–53. <https://doi.org/10.24260/jil.v3i1.529>
- Hammad, M. (2016). Hak-Hak Perempuan Pasca Perceraian: Nafkah Iddah Talak dalam Hukum Keluarga Muslim Indonesia, Malaysia, dan Yordania. *Al-Ahwal: Jurnal Hukum Keluarga Islam*, 7(1), 17–28. <https://ejournal.uin-suka.ac.id/syariah/Ahwal/article/view/1073>
- Hidayati, N. F. (2019). Rekonstruksi Hukum 'Iddah dan Ihdad dalam Kompilasi Hukum Islam (KHI). *Mazahibuna*. <https://doi.org/10.24252/MH.V1i1.9663>

- Huda, A., & Wardana, F. D. A. (2020). Ta'liq Talak Perspektif Imam Syafi'i dan Imam Ibn Hazm. *Usratuna*, 4(1).
- Kementerian Agama RI. (2019). *Al-Qur'an dan Terjemahannya*. Lajnah Pentashihan Mushaf Al-Qur'an Badan Litbang dan Diklat Kementerian Agama RI. <https://lajnah.kemenag.go.id/unduh/category/3-terjemah-al-qur-an-tahun-2019>
- Kusmayanti, H., & Ramadhanty, N. T. (2021). Legitimacy of a Sirri Marriages (Second and So on) By the Pair of Civil Servants. *DiH: Jurnal Ilmu Hukum*, 17(1), 84–93. <https://doi.org/10.30996/dih.v17i1.4512>
- Mardian, Y., Shaw-Shaliba, K., Karyana, M., & Lau, C.-Y. (2021). Sharia (Islamic Law) Perspectives of COVID-19 Vaccines. *Frontiers in Tropical Diseases*, 2(December), 1–8. <https://doi.org/10.3389/fitd.2021.788188>
- Najib, A. M. (2020). Reestablishing Indonesia Madhhab: 'Urf and the Contribution of Intellectualism. *Al-Jāmi'ah: Journal of Islamic Studies*, 58(1), 171–208. <https://doi.org/10.14421/ajis.2020.581.171-208>
- Nasir, M. A. (2022). Negotiating Muslim Interfaith Marriage in Indonesia : Integration and Conflict in Islamic Law. *Mazahib: Jurnal Pemikiran Hukum Islam*, 21(2), 155–186. <https://doi.org/10.21093/mj.v21i2.5436>
- Nurnazli, N. (2018). Relevansi Penerapan 'Iddah di Era Teknologi Modern. *Ijtima'iyya: Jurnal Pengembangan Masyarakat Islam*, 10(1), 121–142. <https://doi.org/10.24042/ijpmi.v10i1.2358>
- Pomahiya, S., M. Kasim, N., & Alhasni Bakung, D. (2022). Legal Consequences of Marriage During Iddah Period Based on Compilation Islamic Law. *Estudiante Law Journal*, 4(2), 708–719. <https://doi.org/10.33756/eslaj.v4i2.18848>
- Saputera, A. A., & Lamunte, N. (2020). Indikator Terjadinya Pernikahan dalam Masa Iddah di Kecamatan Bolangitang Barat. *El-Usrah: Jurnal Hukum Keluarga*, 3(1), 17–35. <https://doi.org/10.22373/UJHK.V3I1.7651>
- Suhasti, E., Djazimah, S., & Hartini. (2018). Polemics on interfaith marriage in Indonesia between rules and practices. *Al-Jami'ah*, 56(2), 367–394. <https://doi.org/10.14421/ajis.2018.562.367-394>
- Warren, C. S. (2008). Lifting the Veil : Women and Islamic Law. *Cardozo J. L. & Gender*, 15, 33–65.
- Wibisono, Y. (2020). Revitalisasi Peran Strategis Penghulu Dalam Pelayan-. *Al-Mabsut: Jurnal Studi Islam Dan Sosial*, 14(2), 193–205. <https://doi.org/10.56997/almabsut.v14i2.450>