

Husein Muhammad's Thoughts on Husband's Iddah and His Contribution to the Development of Family Law in Indonesia

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Abstract: This article discusses the thoughts of Husein Muhammad regarding the husband's iddah and his contribution to the development of family law in Indonesia. This article uses a qualitative method, analyzing in depth about the thoughts of Husein Muhammad, related to the iddah period of the husband, this article is a library research or literature study, by studying the literature of Husein Muhammad's work on Iddah, the main data source in this study is the work of Husein Muhammad, the data analysis technique uses an inductive framework using mashlahah and mubadalah analysis. The result of the research is that Husein Muhammad's thinking leads to a more inclusive, progressive, humanist and contextual understanding of family law and is adaptive to the dynamics of Indonesian society which continues to develop by detailing the iddah time frame and the rights attached to that period. Husein Muhammad's thinking on iddah has a positive impact on the development of family law in Indonesia, linking its theoretical aspects to concrete changes in the family law system and providing a strong foundation for further change.

Keyword: Husein Muhammad, Iddah Period, Husband, Family Law

Abstrak: Artikel ini membahas mengenai pemikiran Husein Muhammad mengenai iddah suami dan kontribusinya bagi pengembangan hukum keluarga di Indonesia. Artikel ini menggunakan metode kualitatif, menganalisis secara mendalam tentang pemikiran Husein Muhammad, terkait dengan masa iddah suami, artikel ini merupakan penelitian *library research* atau kajian pustaka, dengan mempelajari literatur dari karya Husein Muhammad tentang Iddah, sumber data utama dalam penelitian ini ialah hasil karya dari Husein Muhammad, teknik analisa data menggunakan kerangka pikir induktif dengan menggunakan analisis mashlahah dan mubadalah. Hasil penelitian bahwa pemikiran Husein Muhammad mengarah pada pemahaman hukum keluarga yang lebih inklusif, progresif, humanis dan kontekstual serta adaptif terhadap dinamika masyarakat Indonesia yang terus berkembang dengan merinci kerangka waktu iddah dan hak-hak yang melekat pada masa tersebut. Pemikiran Husein Muhammad tentang iddah membawa dampak positif bagi perkembangan hukum keluarga di Indonesia, mengaitkan aspek-aspek teoritisnya dengan perubahan konkret dalam sistem hukum keluarga dan memberikan fondasi yang kuat untuk perubahan lebih lanjut.

Kata Kunci: Husein Muhammad, Masa Iddah, Suami, Hukum Keluarga

A. Introduction

The development of the world today is very different compared to the past. The changing times experienced affect the development experienced by the parties concerned, including Islamic law. (Muhammad Lutfi Hakim, 2014) For women who are active in various fields they are engaged in, of course they do not just stay at home taking care of children, houses and so on. It can be said, almost every sector of human life has begun to be occupied by pious women, not only light work, but heavy

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work such as security guards, construction workers, farmers, parking attendants and so on they are engaged in, perhaps as a form of responsibility for their children.

Husein Muhammad's thoughts on Iddah also reflect his efforts to synergize local values with universal concepts. By detailing the Iddah timeframe and the rights attached to it, Husein Muhammad leads to a more inclusive and adaptive understanding of family law to the evolving dynamics of Indonesian society. In this paper, we will explore how Husein Muhammad's thoughts on Iddah positively impacted the development of family law in Indonesia, linking its theoretical aspects to concrete changes in the family law system and providing a strong foundation for further change.

His contribution is not limited to mere academic analysis, but also involves a progressive and inclusive outlook. Husein Muhammad not only understood Iddah as a formal aspect of family law, but also explored its implications for women's rights and the social challenges faced by society. Through his involvement in crafting legal arguments and thoughts related to Iddah, Husein Muhammad makes a valuable contribution to updating traditional views on family law in Indonesia.

Husein Muhammad, a family law scholar and an Indonesian feminist, in understanding and developing the principles of family law, one of which is the concept of Iddah. Iddah, as a waiting period after divorce or the death of the husband. Iddah is not merely a reproductive issue that women must undergo in practice. However, Iddah must also consider sociological aspects. This means that when a divorce occurs, both the male and female parties must consider human relations.

When viewed in the context of the current era, divorce in Lampung Province from year to year always increases. The idea of male iddah is an effort to strengthen marriage, so that it is carried out sacredly and makes divorce difficult. The thought of male iddah as Husein Muhammad, shows that iddah is a period of reconciliation between the two couples who are in conflict, so that with men given the iddah period it will maximize the reconciliation period. If examined more deeply, when in the iddah period the ex-wife is not allowed to accept proposals from other men, but the right to reconcile is her ex-husband. That is why the idea of male iddah emerged, which has the aim of strengthening the principle of making divorce difficult. On the other hand, iddah is also an effort of justice and gender equality between men and women.

Research relevant to this study is Maghfuroh, W. (2021). The results showed that during the iddah period career women are still allowed to work because the basis is an emergency condition to meet the needs of life. If you analyze in the present, where women who are divorced by their husbands still work according to their profession. Of course, women still fulfill their iddah period and keep themselves from doing ihdad. By continuing to carry out their profession, they (women who are left by their husbands) can still maintain their lives by earning their own nafkan, provided that they do not go overboard when doing makeup (grooming). Then in dressing up, the woman must also know and compartmentalize herself as a woman who is in 'iddah and a woman who is working. (Maghfuroh, 2021). Then research by Indar, 2010, the results of the research First, the purpose of 'iddah which not only aims to determine the cleanliness of the uterus, but there are other goals that are not gender biased, namely the purpose of reconciliation and mourning, which they

must both carry out consciously. Secondly, considering that fiqh is the result of the interpretation of reason (ulama) on the nash, which is certainly very open to the opportunity to reconstruct fiqh thinking in the framework of building gender-equitable fiqh, as the principle of Islam, namely the principle of justice and benefit for humans. Third, the government, in the law, should review the articles of 'iddah that only apply to women. The goal is for men to feel the same 'iddah so that harmony and justice can be realized. In addition, the most important thing is of course the process of awareness and understanding for the whole community. Hopefully this article will provide a breath of fresh air in understanding the meaning of 'iddah (Indar, 2010). Then research by Alfiyatul Rizqiyah, the results of the researcher's research concluded that the main factor in violating the 'iddah period by women in Benda Village, Brebes Regency District is economic factors, when viewed from Islamic Family Law the 'iddah period is an obligation that must be carried out by a wife after separating from her husband, but indeed the circumstances are urgent and force them to violate the 'iddah rules. (Alfiyatul Rizqiyah, 2022) Research conducted by Azzulfa, F. A., & Cahya A., A. R. (2021). The results of the study explain that the iddah period if it is connected with the basis for identifying whether or not a woman is pregnant, then the meaning is irrelevant if it is reviewed using science and technology, which has different legal implications for the iddah itself. Cleansing the womb is not an illat from the stipulation of iddah. The illat is something that can change the situation. Iddah until now has been considered as a form of discrimination against women, which then led to the opinion that iddah is a form of gender injustice. This iddah concept discriminates against women because it is considered to limit women's space after divorce. The implementation of the iddah period for husbands and wives is a solution so that gender relations between men and women are well established. (Azzulfa, F. A., & Cahya A., A. R. 2021)

Based on the explanation of the previous research above, there are similarities in studying and discussing the concept of iddah according to fiqh and legislation. What makes this research different from previous research is that no previous research has been found that discusses Husein Muhammad's thoughts on husband's iddah and his contribution to the development of family law in Indonesia, analyzed using the theory of mubadalah.

B. Research Methods

The type of research used is literature or library research, the method uses qualitative analysis by conducting a study of Husein Muhammad's thoughts on Iddah. The nature of this research is descriptive analysis, which is done by describing the existing facts, so that it is easier to understand, then analyzed and concluded. (Syarifuddin Azwar, 1998) In this study using secondary data in the form of works and thoughts of Husein Muhammad. The data collection technique in this research is a literature study, data collection in this study by collecting the data needed in the research, namely in the form of primary legal materials, secondary legal materials and tertiary legal materials relevant to the research topic. Data analysis techniques use an inductive framework using the theory of mubadalah.

C. Results and Discussion

Biography of Hussein Muhammad

Husein Muhammad was born on May 9, 1953 in Arjawinangun, Cirebon. Husein Muhammad's family is a large family from Dar at Tauhid Islamic Boarding School in Arjawinangun, Cirebon. His father named Muhammad Asyrofuddin from an ordinary family with a background in pesantren education. While his mother was named Ummu Salma Syathori, the daughter of the founder of the Dar at Tauhid Arjawinangun Islamic boarding school, KH. Syathori. (M. Nuruzzaman, 2005, 110) Husein Muhammad married Lilik Nihayah Fuad Amin, then had five children. They are Hilya Auliya, Layali Hilwa, Muhammad Fayyaz Mumtaz, Najlah Hammada, and Fazla Muhammad.

Husein Muhammad completed elementary school and diniyah school in 1966 within the Dar at Tauhid Arjawinangun Islamic boarding school, then continued to Arjawinangun Junior High School 1 and finished in 1969. At this junior high school, the teenage Husein began to participate in organizations with his friends. Husein Muhammad's enrollment in public school reflected the moderate attitude of the Dar at Tauhid pesantren, which allowed the kyai's children to study outside the pesantren. As revealed by Husein Muhammad that compared to other pesantren in Cirebon, it has a different development history. The reason is because the founder of the pesantren KH. Syathori in his time had thought and behaved very moderately, by starting and pioneering the formulation of modern pesantren education at that time. Including using blackboards, classes, and benches. (Noviyati Widiyani, 2010) Whereas in other pesantren, the use of these facilities is prohibited because it resembles the Dutch.

After completing junior high school, Husein Muhammad continued to study at the Lirboyo Islamic Boarding School in Kediri for 3 years. Then after graduating from Lirboyo, Husein Muhammad continued his education at the College of Qur'anic Sciences (PTIQ) in Jakarta. Here Husein Muhammad and other students are required to memorize the Qur'an, as well as specializing in the study of education about the Qur'an.

Husein Muhammad graduated from PTIQ in 1979, but only graduated a year later. Then Husein Muhammad left for Egypt to continue his education at al Azhar University. His decision to continue his education at al Azhar was to follow the advice of his teacher from PTIQ, Prof. Ibrahim Husein, to study the science of interpretation of the Qur'an. Because according to his teacher, Egypt is a country that is more open in the field of science than other Middle Eastern countries. (Noviyati Widiyani, 2010)

In addition to undergoing his formal education at al Azhar, Husein Muhammad also used the opportunity to develop his knowledge by reading. Because here, reading opportunities are greater with the availability of quality books that are not necessarily available in Indonesia. The books that Husein Muhammad read included Islamic works, philosophy, literature from Arabic-speaking Western thinkers such as Nietzsche, Sartre, Albert Camus, and so on.

In 1983, Husein Muhammad graduated from Al Azhar University and decided to return to Indonesia to continue the management of his grandfather's boarding school in Dar at Tauhid, Arjawinangun. At that time, Husein Muhammad was offered to become a lecturer at PTIQ Jakarta, but he refused. Husein refused on the grounds

that his grandfather's boarding school was in need of development. (Noviyati Widiyani, 2010)

Definition of Iddah

Iddah is an obligation that a wife must undergo after a divorce, this is based on the Qur'an, Hadith, and consensus of scholars. (Abu Bakar, 2002, 45) Scholars differ in opinion in defining Iddah. The word Iddah is a derivation of the word al-adad which comes from the verb adda-ya'uddu which means more or less (count, calculation or something that is calculated). (Zayn al-Din Ibn Nujaym al-Hanafi, 1996, 624) The use of this word in fiqh because the meaning of this word implies a count or number of chastity or menstruation. (Zayn al-Din al-Malibari, t.t, 37) While the definition of shara there are several different editorials. According to the Shafiyyah scholars: The period of waiting used by women (widows) to determine the emptiness of the womb, devotion to Allah and condolences for the death of the husband.

According to the Hanafiyyah scholars: "The waiting that a woman (widow) is obliged to do when a marriage breaks down or the like. According to other Hanafiyyah scholars: The name for a period used to spend something that is still left as a result of marriage. (Ahmad bin Ghanim bin Salim al-Nafrawi, t.t. 1054) According to the Malikiyyah scholars as expressed by Ibn ar-Rif'ah: The period that prevents marriage because of the breakdown of the marriage, the death of the husband or the divorce of the husband.

Iddah means calculation or something that is counted. In language, it means the days of menstruation or days of purity in women. while in terms, Iddah means a waiting period, meaning a waiting period for a woman to marry after a divorce from her husband, whether divorced alive or divorced dead, with the aim of knowing the state of her womb or to think for the husband. (Abdul Azis Dahlan, 1996, 637)

In addition to the above understanding, there are many other understandings given by scholars, but in principle the understanding is almost the same in meaning, which is translated as a waiting period for a woman to be able to reconcile with her ex-husband or a limitation on being able to remarry.

Legal Basis for Iddah

Iddah is obligatory for a woman when she separates from her husband after intercourse, due to divorce, death, annulment or li'an. (Abu Bakr Jabir al-Jaza'iry, 2006, 559) As well as death that occurs before intercourse and after a valid marriage contract. The obligation to undergo this Iddah period can be seen from several verses of the Qur'an. Among these are the words of Allah SWT in Surah Al-Baqarah (2): 228.

وَالْمُطَلَّاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ وَلَا يَحِلُّ لَهُنَّ أَنْ يَكْتُمْنَ مَا خَلَقَ اللَّهُ فِي أَرْحَامِهِنَّ إِنْ كُنَّ يُؤْمِنُنَّ بِاللَّهِ وَالْيَوْمِ
الْآخِرِ وَبِعَوْلِهِنَّ أَحَقُّ بِرَدِّهِنَّ فِي ذَلِكَ إِنْ أَرَادُوا إِصْلَاحًا وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ
وَاللَّهُ عَزِيزٌ حَكِيمٌ

Meaning: *Women who are divorced should refrain (from waiting) three quru'. They should not conceal what Allah has created in their wombs, if they believe in Allah and the Last Day. And her husbands have the right to refer to her during the waiting period, if they desire reconciliation. And the women have rights in proportion to their duties in a manner that is just. The husbands, however, have one degree of superiority over their wives. And Allah is the Mighty, the Wise.*

وَأَلْيَ يَيْسَنَ مِنَ الْمَحِيضِ مَن نِّسَانِكُمْ إِن أَرْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ وَالْأَيُّ لَمْ يَحِضْنَ وَأُولَئِكَ الْأَحْمَالُ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مِنْ أَمْرِهِ يُسْرًا

Meaning: *And as for those among your women who are no longer menstruating (monopause), if you have any doubt about their 'iddah, then their 'iddah is three months; and so is that of the women who do not menstruate. And as for the pregnant women, their 'iddah is until they give birth to their wombs. And whoever fears Allah, Allah will make it easy for him in his affairs.*

Among the hadiths of the Prophet (SAW) that enjoin the iddah period is what Aisha said according to the narration of Ibn Majah which reads:

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

Meaning: *Aisha said: The Prophet told Burairah to observe iddah for three menstrual cycles.*

As for a woman who is divorced before she has intercourse, she is not required to undergo iddah, as Allah SWT says:

يا أيها الذين آمنوا إذ نكحتم لمؤمنات ثم طلقتموهن من قبل أن تمسوهن فما لكم عليهن من عدة تعتدونها

Meaning: *O you who believe, when you marry believing women, and then divorce them before you have mixed with them, then you do not have to give them 'iddah (waiting period) for those of you who ask to complete it. (Muhammad Abu Zahrah, t.th)*

Husein Muhammad's Thoughts on Iddah

Husein Muhammad, who was born into a family and boarding school environment, initially also had conservative thoughts towards women. However, after attending a seminar on women in the view of religions in 1993 organized by P3M and discussions he had with Masdar F. Mas'udi. (Susantri, 2018, 202)

Husein's awareness of the oppression that occurs to women begins with his thoughts about the patriarchal ideology inherent in the society living in pesantren. The patriarchal ideology turns into religious teachings or religious beliefs not only because of the interests of the scholars to maintain and perpetuate their power, but because pesantren have values, norms, and culture determined by the yellow book. Even though the yellow Islamic classic book was authored in the fourteenth or fifteenth century, its contents sometimes contradict the local conditions of the time and place where the pesantren exists. (Husein Muhammad, 2016, 31)

Husein has a jargon in every thought, namely "How do we progress without leaving tradition". The traditions that Husein refers to are traditions from Arab culture that are legitimized by some fiqh scholars in the yellow book into religious teachings. In fact, according to Husein fiqh is actually a person's interpretation of the sacred texts, not the sacred texts themselves. The interpretation of each fiqh expert can certainly be different, because there are many things that influence it. Scholars' understanding of a problem must be related to the place and time of the problem must be related to the place and time the problem was understood, and who understood. There are sociological and cultural factors in every understanding.

Another term that became popular was "Women are seductive creatures". Therefore, human beings of the female sex must be tightly closed and not allowed to

mingle with men, so that women in classical fiqh are mentioned not to use fragrances and preen when meeting men who are not their mahrams, some even say that women's voices are *aurat* which will disturb men's concentration from worship and can make men wretched, so women may not occupy public positions where there are men.

From the above reasons, then Husein tried to deconstruct his thoughts about women. According to Husein, by understanding the substance of *tawhid*, namely by glorifying God and in an individual sense is the liberation of humans from all shackles; as well as the shackles of humans over humans. So humans are not free from all kinds of shackles and slavery from worldly objects with the aim of only glorifying God. *Tawhid* in its religious doctrine has provided the principle of human equality and equality. Because many verses of the Qur'an mention justice as a principle that must be upheld in all orders of human life, both in personal, family and social orders.

The most essential thing about *Iddah*, according to Husein Muhammad, is that *Iddah* is not merely a reproductive issue that women must undergo in practice. But *Iddah* must also consider sociological aspects. This means that when a divorce occurs, both the male and female parties must consider human relations. This concerns the harmony and continuity of internal family and friend relationships even though they are legally separated by divorce.

This consideration is the basic principle on which the concept of *Iddah* is built. In other words, *Iddah* does not have to be a burden for women. But it is also the responsibility of men with the assumption of maintaining brotherhood and good relations with the ex-wife's family. (Musdah Mulia, 2011, 113)

The value of justice in the *Iddah* law according to Husein is that men and women both have the obligation to carry out *Iddah* in order to get fair treatment. Meanwhile, the value of benefit in the *Iddah* law is that the implementation of *Iddah* for men is a benefit that if applied will respect the values of brotherhood for relatives in general and husband and wife in particular (Habib Shulton Asnawi, 2012). The value of compassion in the implementation of *Iddah* for men is that it proves that men also have grief when left by their wives. Then, for the value of wisdom is a man who is in *Iddah* will not make a marriage contract when he has just been left dead by his wife.

The value of equality can also be applied in equality between men and women to equally carry out the *Iddah* law. For the value of pluralism, that due to the advancement of technological culture today, men and women are encouraged by socio-cultural factors to equally enforce *Iddah*. Meanwhile, the last one according to Husein is the value of human rights, that men and women have the same rights and obligations before the law. It has been agreed and is a definite law that *Iddah* is a consequence that a woman must undergo due to divorce, whether dead or alive. The stipulation of the *Iddah* law intended for women is clearly and clearly explained by the Quran, Hadith and *Ijma*.

The applicability of the above law is nothing but to achieve a sense of justice for women. The justice brought by Islam can also be felt by women who are divorced and separated from their husbands during the *Iddah* period, not like sweet after sweet. Divorced women are still entitled to maintenance and shelter, and should not be physically or psychologically harmed. In the context of the relationship between

men and women, equality requires the absence of discrimination, the absence of bias towards one sex and the neglect of the other.

Equality also gives equal weight to the rights and obligations between men and women (Habib Shulton Asnawi, 2018). Equality does not put women on the lower side, and under the domination and power of men. At the same time, equality also does not allow men to act like rulers who have full rights over women. Equality does not deny the differences between the two, but equality does not want the differences to be used as an excuse to differentiate (Habib Sulthon Asnawi, 2011). This is the principle of equality in the relationship between men and women that can be read in the Qur'an and Hadith which has consequences for the birth of a sense of justice. According to Husein Muhammad, the purpose of Iddah is as follows:

1. Knowing the cleanliness of the womb. The development of science, especially in the field of medicine, which makes it possible to determine pregnancy in a relatively short time and with fairly accurate results, the purpose of Iddah seems to be untenable.
2. Time for reconciliation for raj'i divorce. Iddah in this case aims to encourage both divorced parties to reconcile and reunite. However, this goal seems difficult to realize. Iddah only applies to women, so men can simply remarry another woman without having to wait for their wife's Iddah period to end. This condition is certainly not conducive for the divorced parties to reconcile.
3. Preventing the spread of diseases transmitted through sex. In this case, men and women both have the potential to contract venereal diseases. Therefore, Iddah should apply to both men and women.
4. The mourning period for the Iddah of death. This Iddah aims to protect the feelings of the family of the deceased husband so as not to cause hatred or slander. If this is the purpose, is the woman when she dies, then the husband does not behave the same way to honor the woman's family. (Husein Muhammad, 2010, 168)

On the other hand, Iddah is also related to gender issues. In Pre-Islamic Arabia, there was a social norm that required a widow to wait and mourn for one year after the death of her husband, with various inhumane restrictions. Later Islam reduced the one-year period to four months and ten days and removed the inhumane treatment (Nawawi, 2022). In addition, Islam also made Iddah obligatory for divorced women, which was previously not applicable. This historical fact clearly shows that from the beginning, Iddah was related to gender in terms of the roles that couples had to play after the breakup of the marriage. (Abdul Aziz, 2018, 84)

Based on the above facts, Husein argues that Iddah should not only apply to women, but also to men. In accordance with his organizational background and thoughts, Husein is a gender figure and often conducts research using a gender approach, which is a research approach that constructs his thoughts on the equal position between men and women, including the same application of the Iddah law. Therefore, in the view of liberal feminists, Husein's opinion on Iddah is very relevant to gender equality. Because liberal feminists like Naomi Wolf demand equal treatment for every individual, including women. The freedom that this school promotes is full and absolute freedom.

Contributions to the Development of Family Law in Indonesia

Husein Muhammad, as a renowned family law expert in Indonesia, has made significant contributions to the development of family law in this country. One crucial aspect of Husein Muhammad's thinking is his attempt to harmonize family law with Indonesia's local values and culture. In his works, he often emphasizes the importance of understanding the social context and local wisdom in designing family law policies that can be recognized and accepted by the community.

Husein Muhammad's thoughts have influenced the development of family law in Indonesia, especially in the context of gender equality and the role of women. Here are some of the contributions of Husein Muhammad's thoughts in the development of family law in Indonesia:

1. **Gender Equality:** Husein Muhammad proposed the concept of gender equality in reconstructing the role of Indonesian women in the 20th century. By studying gender equality, he helped to overcome discriminatory and patriarchal policies in Islamic women. (Rahmah Raini Amil, 2023)
2. **Polygamy:** In the book *Polygamy: A Contemporary Critical Study*, Husein Muhammad examines the idea of the concept of polygamy in Islam. He discusses how slowly the Islamic requirements are tightened and how monogamy is the only way one can go. (Muhammad Fuad Mubarok, 2022)
3. **Islamic Family Law Reform:** Husein Muhammad contributed to the reform of Islamic family law in Indonesia through the *Compilation of Islamic Law*. In 1988, he together with Indonesian scholars developed and compiled Islamic law, which was then followed by Presidential Instruction No. 1 dated June 10, 1991 to disseminate and implement the contents of the compilation. In this endeavor, Indonesia took the path of compromise between sharia and secular law, referring to classical fiqh books, modern fiqh, fatwa collections, religious court decisions (jurisprudence), and interviews with all Indonesian scholars. (Khoiruddin Nasution, 2009, 15)
4. **Islamic Family Law Between Sharia and Secular Law:** In reforming Islamic family law, Indonesia has taken the path of compromise between sharia and secular law. In the formulation of family law in Indonesia, in addition to referring to classical fiqh books, modern fiqh, fatwa sets, religious court decisions (jurisprudence), interviews were also conducted with all Indonesian scholars.

In the Indonesian context, Islamic law can be understood as regulations taken from revelation and formulated in four products of legal thought, namely fiqh, fatwas, court decisions, and laws that are guided and enforced for Muslims in Indonesia. (Arifki Budia Warman, 2019) Family law is one of the fields of Islamic law that is still maintained and continues to be developed according to the needs of society.

Based on the analysis above, considering the aspects of kemashlahatan and equality between men and women, it should be necessary to follow up legislation governing the waiting period or iddah for men. The iddah is equalized with the wife's iddah period (Habib Sulthon Asnawi., 2023). With the equality of these regulations, it will strengthen the sacredness of marriage, strengthen the philosophical essence of iddah as a period of reconciliation between husband and wife, iddah as a period of healing for the hurt caused by divorce and iddah as an effort to complicate divorce .

D. Conclusion

Husein Muhammad leads to a more inclusive and adaptive understanding of family law to the evolving dynamics of Indonesian society by detailing the iddah timeframe and the rights attached to it. Husein Muhammad's thinking on iddah has had a positive impact on the development of family law in Indonesia, linking its theoretical aspects to concrete changes in the family law system and providing a strong foundation for further change. Therefore, Husein Muhammad's thoughts on iddah can be applied in the context of family law in Indonesia by updating the traditional view of family law and developing family law principles that are more inclusive and adaptive to the evolving dynamics of Indonesian society. By looking at the aspects of prosperity and equality, it should be necessary to follow up on the legislation governing the waiting period or iddah for husbands which is equal to the iddah period for wives, this will strengthen the sacredness of marriage, strengthen the philosophical essence of iddah as a period of reconciliation between husband and wife, iddah as a period of healing for the hurt caused by divorce and iddah as an effort to make divorce difficult.

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