

Reconstructing the Law of Iddah Based on Maqasid al-Shariah: A Systemic Reading of Jasser Auda's Thought

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Abstract: This article re-examines the concept of iddah in Islamic family law through a reconstruction based on Maqasid al-Shariah using Jasser Auda's systems approach. Iddah is classically understood as a mandatory waiting period after the dissolution of marriage to ensure lineage clarity and protect women's honour, yet in contemporary contexts it intersects with gender justice, human rights, and the changing social roles of women in the public sphere. Previous studies have explored iddah and ihdad from classical fiqh, positive law, CEDAW, and gender perspectives, but only a few explicitly adopt Auda's Maqasid al-Shariah theory, particularly his systems approach, as the primary framework for normative reconstruction. This research is a normative library study that analyses primary sources (Qur'anic and hadith texts, classical fiqh works, and Auda's writings on maqasid and systems theory) alongside secondary literature on iddah, ihdad, and family law reform. Using descriptive-analytical methods, the article argues that, when iddah is interpreted through Auda's system, it features holism, openness, multidimensionality, and purposefulness its objectives extend beyond biological certainty to encompass the protection of dignity, justice, and the welfare of women and families. This reconstruction opens space for renewed ijhtihad to formulate iddah regulations that remain faithful to the scriptural texts while being more responsive to contemporary social realities and aligned with human rights and gender equality agendas in Islamic family law.

Keywords: iddah; Maqasid al-Shariah; Jasser Auda; systems approach; Islamic family law; gender justice

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Introduction

Discussion of iddah is one of the central themes in Islamic family law that has long attracted serious attention from Muslim jurists, because it is directly related to family honour, clarity of lineage, and the protection of women after the dissolution of marriage, whether through divorce or the death of the husband.¹ In classical fiqh constructions, iddah is generally understood as a mandatory waiting period that must be observed by a woman after a marriage ends, with the primary aims of ensuring that the womb is empty, safeguarding honour, and providing an opportunity for either reconciliation or mourning the husband's death.² This normative formulation rests on the textual foundations of the Qur'an and Hadith and is articulated within an *usul al-fiqh* framework that tends to be textual and oriented toward the patterns of social relations prevailing at the time of its formation. In various fiqh manuals and positive-law studies, types of iddah are differentiated according to the cause of marital dissolution and the woman's biological condition, such as iddah due to divorce for a woman who still menstruates, iddah due to the husband's death, and iddah for a pregnant woman, all of which highlight how strongly the protection of lineage and family order is embedded in the classical legal edifice. Nevertheless, this classical fiqh construction has generally not been explicitly connected to issues of gender justice, human rights, and the rapidly changing dynamics of modern social life in the contemporary context.³

In the modern social context, the regulation of iddah is no longer concerned only with lineage and mourning, but is also intertwined with new realities such as women's participation in the public sphere, women's status as workers, and demands for equal rights between men and women as affirmed in various

¹ Rahmawati Mohd Yusoff dkk., "AN ANALYSIS TOWARDS PATTERNS OF VIOLATION OF MAINTENANCE RIGHTS AFTER DIVORCE WITHIN ISLAMIC MARRIAGE IN INDONESIA," *Malaysian Journal of Syariah and Law* 12, no. 3 (2024): 678–88, <https://doi.org/10.33102/mjsl.vol12no3.707>.

² Badrun Taman dkk., "Time-Related Rulings in Fiqh Munakahat: A Contemporary Integration of Astronomical and Jurisprudential Analysis," *MILRev: Metro Islamic Law Review* 4, no. 2 (2025): 797–821, <https://doi.org/10.32332/milrev.v4i2.10479>.

³ A. Agustar dan S. Arafah, "Utilizing Science and Maqāṣid Al-Sharī'ah in Resolving Contemporary Issues of Islamic Family Law," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 1 (2024): 17–36, Scopus, <https://doi.org/10.24090/mnh.v18i1.10571>.

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international human rights instruments.⁴ The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which Indonesia ratified through Law No. 7 of 1984, emphasises the principle of eliminating discrimination and guaranteeing equal opportunities for women in various spheres of life.⁵ On the other hand, national regulations such as the Marriage Law and labour provisions often do not fully correspond to the practical consequences of iddah, especially for women who function as workers or breadwinners.⁶ Research on the obligation of observing iddah and ihdad for career women shows a tension between the duty to undergo the waiting period and professional demands in the workplace, particularly when labour regulations provide only very limited bereavement leave that is insufficient to cover the fiqh-based iddah duration of four months and ten days for women whose husbands have died. This situation raises critical questions about how iddah law can be actualised in a more humanist and contextual manner, without negating the principles of the Sharia, while remaining responsive to demands for gender justice and the protection of women's rights as legal subjects in the modern era.⁷

The problematic dimension of iddah in the context of human rights and gender is also evident when classical fiqh provisions strictly restrict women's mobility during iddah, both in the form of prohibitions on leaving the house except for urgent needs and in strict prohibitions on adornment during iddah. Meanwhile, men are generally not burdened with a comparable waiting period after divorce and may, in practice, remarry immediately, creating the impression of an imbalance of obligations between husband and wife. Several gender-oriented studies indicate that this asymmetric structure of obligations is often read as a form of inequality rooted in patriarchal constructions that

⁴ Fuady Abdullah dkk., "Revisiting 'Iddah: A Critical Analysis of Gender Equality in Indonesian Feminist Islamic Legal Discourse," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (2023): 275, <https://doi.org/10.31958/juris.v22i2.10320>.

⁵ Pramai Shella Arinda Putri.J dkk., "The Phenomenon of Development Misyar Marriage from the Perspective of Islamic Law and Human Rights," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 1 (2023): 99–114, <https://doi.org/10.18860/j-fsh.v15i1.19013>.

⁶ Abdullah Abdullah dkk., "Criticizing the Muslim Divorce Tradition in Lombok: An Effort to Control the Women's Rights," *Justicia Islamica* 19, no. 1 (2022): 57–73, <https://doi.org/10.21154/justicia.v19i1.3168>.

⁷ A. Asni dkk., "Gender Justice in Tudang Sipulung: An Ecofeminist–Maqāṣid al-Sharī'ah Reading of Inheritance in Bugis Bone, Indonesia," *Jurnal Ilmiah Al-Syir'ah* 23, no. 2 (2025): 297–314, Scopuz, <https://doi.org/10.30984/jis.v23i2.3572>.

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position women as those who must bear heavier social and moral burdens than men.⁸ Conversely, contemporary literature has sought to reinterpret iddah and ihdad as mechanisms for protecting women psychologically, socially, and legally, so that their orientation is not read merely as a restriction but also as an affirmation of women's dignity and security. This shift in perspective calls for a more comprehensive theoretical framework, so that iddah can be examined not only as a normative text, but also as a social institution with maqasid-oriented purposes that must be realised concretely in modern life.

One approach that offers a new analytical framework for Islamic law, including the issue of iddah, is the contemporary Maqasid al-Shariah theory developed by Jasser Auda.⁹ Auda criticises classical *usul al-fiqh* for being textual, reductionist, and trapped in a binary logic that is insufficiently sensitive to the complexity of contemporary social realities. In his view, the classical maqasid theory, which stops at the protection of five basic necessities (*al-daruriyyat al-khams*), is often inadequate to address current challenges and therefore needs to be expanded to encompass values such as justice, human dignity, and social transformation. Auda then formulates a systems approach to understanding the Sharia, emphasising key features such as its cognitive nature, holistic character, system openness, interconnected hierarchies, multidimensionality, and purposefulness.¹⁰ Through this approach, the Sharia is understood as an integral and dynamic system in which each legal ruling must be viewed within a broad web of relations that includes social structures, human objectives, and historical change. Within such a framework, the concept of iddah can be re-examined more systemically, so that it is no longer understood merely as a biological waiting period but as an instrument for protecting the dignity, justice, and welfare of women and families.

⁸ Mohd Yusoff dkk., "AN ANALYSIS TOWARDS PATTERNS OF VIOLATION OF MAINTENANCE RIGHTS AFTER DIVORCE WITHIN ISLAMIC MARRIAGE IN INDONESIA."

⁹ I. A. Maliki dkk., "A Gender-Based Maqashid Sharia Study of Penghulu in Indonesia (A Study of Jasser Auda's Views)," *Nurani* 23, no. 1 (2023): 51–68, Scopus, <https://doi.org/10.19109/nurani.v23i1.16447>.

¹⁰ J. Auda, "Rethinking Islamic law for Europe: The concept of the Land of Islam," dalam *Imams in Western Europe: Developments, Transformations, and Institutional Challenges* (2025), Scopus, <https://doi.org/10.5117/9789462983830/CH02>; J. Auda, "A maqāsidī approach to contemporary application of the Sharī'ah," *Intellectual Discourse* 19, no. 2 (2011): 193–217, Scopus.

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A number of previous studies have examined iddah from various perspectives, normative, social, and gender-related, but there remains a research gap in that they have not specifically integrated Jasser Auda's Maqasid al-Shariah theory as the main framework for reconstructing iddah.¹¹ For example, Nuzulia Febri Hidayati's study on the reconstruction of iddah and ihdad in the Compilation of Islamic Law (KHI) shows that the construction of iddah and ihdad in the KHI tends to target women with rules that constrain their mobility and is influenced by exclusive classical fiqh references and the dominance of male actors in the drafting process. This study underscores the importance of solutions that can bring together the classical fiqh constructions adopted by the KHI with the real conditions of modern women's lives in the public sector, but it does not specifically elaborate Auda's systemic maqasid framework. Another study by Ganjar Yusup Sofian and Efan Chairul Abdi analyzes iddah and ihdad from the perspectives of CEDAW and Jasser Auda's contemporary Maqasid al-Shariah, and concludes that iddah still provides *maslahah* and therefore remains obligatory, whereas within the CEDAW framework, iddah and ihdad are understood as forms of protection for women's rights. Even so, the focus of this research is largely on a normative comparison between CEDAW and maqasid, and it does not develop in depth the systemic methodological construction proposed by Auda.¹² In addition, other studies have highlighted iddah and ihdad from gender and socio-legal perspectives, including analyses of the need to reconstruct Islamic family law concerning *syibh al-iddah* and the lived practice of iddah, which reveal problems of unequal rights and misalignment between classical norms and contemporary realities. Taken together, these works indicate that the discourse on reforming iddah has progressed, yet there remains a significant research gap for a theoretical construction that explicitly employs Jasser Auda's systemic maqasid approach as its primary lens.

On this basis, the research question of this article is: how can iddah be constructed when viewed through Jasser Auda's Maqasid al-Shariah using his systems approach? This question implies an effort to shift the focus from merely reading normative texts literally to understanding iddah as part of the Islamic family law system, connected to broader objectives of justice, human

¹¹ Maliki dkk., "A Gender-Based Maqashid Sharia Study of Penghulu in Indonesia (A Study of Jasser Auda's Views)"; Auda, "A maqāsidī approach to contemporary application of the *Shari'ah*."

¹² Abdullah dkk., "Revisiting 'Iddah.'"

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dignity, and public welfare. By adopting Auda's modern maqasid framework, this study aims to re-identify the substantive purposes intended by the prescription of iddah and to explore how these purposes may be translated into a social context characterised by demands for gender equality, respect for human rights, and the transformation of women's social roles. Accordingly, the object of inquiry is not limited to classical fiqh texts and relevant legislation but also includes contemporary discourse on Maqasid al-Shariah, women's rights, and social change as the operative environment of the Islamic legal system itself.¹³

In line with this, the purpose of the study is to reanalyse the concept of iddah by employing Jasser Auda's systemic maqasid approach. This analysis is expected to remap the hikmah and purposes of iddah from a more holistic perspective, so that it does not merely revolve around biological or traditional moral justifications, but also addresses substantive justice, the protection of women's dignity, and family welfare in the modern social context. Through this expanded maqasid reading, iddah can be understood as a Sharia instrument that is flexible and responsive, whose orientation does not contradict human rights and gender equality principles but can instead serve to ensure the fulfillment of women's and children's basic rights. Thus, this research is expected to contribute theoretically to the development of Islamic family law studies and to offer a new perspective for the discourse on reformulating positive law regulating iddah in Indonesia and other Muslim contexts.

Method

Methodologically, this study is a library-based, normative investigation that relies on the analysis of legal texts and Islamic intellectual traditions. The primary data sources consist of Qur'anic verses and hadiths related to iddah; classical fiqh works that elaborate on the detailed rulings of iddah and ihdad; and Jasser Auda's key writings on Maqasid al-Shariah and the systems approach in Islamic law.¹⁴ Secondary data include journal articles, dissertations, and theses that examine iddah, ihdad, the reconstruction of family law, and the application of Auda's maqasid theory in various fields, including those connected to gender and human rights issues. The collected

¹³ Auda, "A maqāsidī approach to contemporary application of the Sharī'ah."

¹⁴ Auda, "A maqāsidī approach to contemporary application of the Sharī'ah."

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data are analysed using a descriptive-analytical method, beginning with an exposition of the concept of iddah in classical fiqh and Jasser Auda's maqasid theory, followed by critical analysis and synthesis to formulate a new construction of iddah from a systemic maqasid perspective. This approach enables the researcher not only to restate existing fiqh and maqasid formulations, but also to test their coherence and relevance to contemporary social realities through a systems-thinking framework that emphasises interconnections among elements and the ultimate purposes of the overall structure of Islamic law. In this way, the article seeks to fill a research gap by employing Jasser Auda's Maqasid al-Shariah as a primary lens for reconstructing the concept of iddah in a comprehensive and contextual manner.

Result & Discussion

1. Reorienting the Maqasid of Iddah: From Biology to the Protection of Dignity

The analysis of classical fiqh literature, the Compilation of Islamic Law (KHI), and positive regulations shows that the legal construction of iddah was initially strongly centred on the certainty of lineage and the preservation of marital bonds. The waiting period after divorce or death is primarily positioned as a mechanism to ensure that the womb is empty and to provide emotional and social distance before a woman enters a new relationship. This perspective aligns with the assertions of many scholars and contemporary studies that iddah has a ta'abbudi dimension that cannot be altered by technological developments, even though medically the emptiness of the womb can be determined more quickly through ultrasound (USG) or pregnancy tests.¹⁵

However, when read through Jasser Auda's Maqasid al-Shariah framework, the findings indicate that the objectives of iddah extend far beyond mere biological certainty. Auda stresses that maqasid should not be limited to the five basic necessities but should be expanded to include justice, human dignity, and the protection of vulnerable groups.¹⁶ Within a holistic,

¹⁵ M. Djawas dkk., "The Construction of Islamic Inheritance Law: A Comparative Study of the Islamic Jurisprudence and the Compilation of Islamic Law," *Juris: Jurnal Ilmiah Syariah* 21, no. 2 (2022): 207–19, Scopus, <https://doi.org/10.31958/juris.v21i2.7495>.

¹⁶ Auda, "Rethinking Islamic law for Europe: The concept of the Land of Islam."

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multidimensional, systemic framework, iddah stands at the intersection of lineage protection, psychological recovery, socio-economic security, and the safeguarding of women's dignity. Thus, the main finding of this article is a reorientation of the maqasid of iddah from a single biological model to a multipurpose model that simultaneously encompasses spiritual, emotional, social, and gender justice dimensions.

2. A Systemic Reading of Iddah in the KHI and the Marriage Law

The analysis of the KHI and amendments to the Marriage Law indicates that positive norms in Indonesia still reflect classical fiqh constructions, yet they are beginning to intersect with modern social demands. The KHI regulates the iddah period in several articles, including Article 153 on the waiting period following divorce and Article 170 on mourning (iddah), with an emphasis on the length of the waiting period and on specific prohibitions imposed on women. Studies comparing the KHI and Law No. 16 of 2019 (amending the Marriage Law) show that the statute addresses only iddah due to death and divorce, without covering variations such as iddah due to breastfeeding or *ridha'ah* as accommodated in the KHI, revealing two styles of approach: detailed normative-fiqh reasoning versus a simpler legal-positivist style.¹⁷

Viewed through Auda's systemic lens, these differences and rigidities appear as symptoms of a fragmentary approach.¹⁸ A maqasid-based reading shows that iddah in the KHI text is primarily positioned as a "number of days" to be completed, while the dimensions of the ex-husband's responsibility, *nafkah iddah*, and the socio-economic protection of women are not yet integrally constructed as parts of the iddah system itself.¹⁹ Conversely, if iddah is constructed as a "shared responsibility" rather than merely a "passive waiting period", then provisions on *nafkah iddah*, the prohibition of *tadlis* (neglecting financial obligations), and sanctions for negligent ex-husbands should be included as key nodes within a maqasid-oriented family law system.

¹⁷ G. L. Indra dkk., "The Ideal Age for Marriage in The Compilation of Islamic Law (KHI) and Psychology," *Al-'Adalah* 20, no. 1 (2023): 1–18, Scopus, <https://doi.org/10.24042/adalah.v20i1.11598>.

¹⁸ Auda, "A maqāsidī approach to contemporary application of the Sharī'ah."

¹⁹ M. S. Apriantoro dkk., "Comparing KHI and KHES in Marital Property Grant Disputes: An Analysis of Judges' Views," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 1 (2023): 37–52, Scopus, <https://doi.org/10.29240/jhi.v8i1.6464>.

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3. The MUI Fatwa and the Practice of Iddah Wafah for Career Women

The practical dimension of iddah wafah for career women is reflected in the 1981 MUI fatwa on iddah due to the husband's death. Critical studies of this fatwa show that MUI follows the majority view that prohibits women from going out at night during iddah wafah, yet allows daytime activities as long as they remain within the bounds of the Sharia. In practice, this ruling seeks to maintain fidelity to the meaning of mourning and family stability while also creating space for adaptation for women working in the public sector.²⁰

From Auda's perspective, this fatwa can be seen as an exercise in *ijtihad* that does not yet explicitly employ the systems approach but already shows openness and sensitivity to social context. A systems approach encourages iddah to be understood not merely as "staying at home" but as part of a network of values: spiritual protection, psychological recovery, recognition of women's economic rights, and assurance that the Sharia does not erase legitimate social roles. Thus, the *maqasid*-based reconstruction proposed in this article does not simply negate the MUI fatwa; instead, it invites a re-reading of iddah prohibitions within a broader horizon of objectives, so that daytime flexibility for career women can be understood as an expression of *maslahah* protection rather than an arbitrary relaxation.²¹

4. Medical Technology (USG) and the Ta'abbudi Status of Iddah

Several contemporary studies examine whether technologies such as USG can replace or shorten the iddah period, particularly given that its classical purpose is to ensure uterine emptiness. Research on "USG as a substitute for iddah" and the implications of ultrasonography for the iddah period, viewed from both medical and religious perspectives, generally concludes that USG can help ascertain the presence or absence of a foetus but cannot replace the obligation to observe iddah as stipulated by the Qur'an and Hadith. Scholars

²⁰ P. M. Siregar, "RELEVANCE OF THE FATWA OF THE INDONESIAN ULEMA COUNCIL TO THE RENEWAL OF ISLAMIC FAMILY LAW IN INDONESIA (STUDY OF MUI FATWA NUMBER: 4/MUNAS VII/MUI/8/2005 ON MARRIAGE OF DIFFERENT RELIGIONS)," *Jurnal Ilmiah Mizani* 8, no. 1 (2021): 85–102, Scopus, <https://doi.org/10.29300/mzn.v8i1.2701>.

²¹ N. A. Putri dkk., "Perkawinan Beda Agama Perspektif Hukum Positif, Kompilasi Hukum Islam, dan Fatwa Majelis Ulama Indonesia No. 4/MUNAS VII/MUI/8/2005," *Al-Mazaahib* 11, no. 1 (2023): 69–92, Scopus, <https://doi.org/10.14421/al-mazaahib.v11i1.3070>.

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and health practitioners in these studies emphasise that iddah is ta‘abbudi in nature, that is, an act of worship bound to obedience and devotion rather than a purely rational-instrumental matter, and therefore cannot be reduced to a mere technical medical issue.²²

From a systemic-maqasid perspective, these findings point to an important differentiation: on the one hand, medical technology can strengthen the dimension of *hifz al-nasl* (protection of lineage) by minimising doubt regarding pregnancy status; on the other hand, iddah as worship does not end with biological objectives but also encompasses *hifz al-nafs* (self-recovery), *hifz al-‘irdh* (honour), and the reinforcement of family structure. In this way, Auda’s approach actually confirms the conclusion that iddah cannot be replaced by USG, but with a richer rationale: what is preserved is not merely an “empty womb” but an entire value system linked to the experience of loss, the transition of legal status, and social equilibrium.²³

5. Gender Justice, Women’s Rights, and the Space for Reconstruction

The analysis of gender-focused articles on iddah reveals a perceived imbalance between women’s obligation to observe iddah and the absence of a comparable waiting period for men. Some studies even propose the notion of “iddah for husbands” or *syibh al-‘iddah* for men as a symbolic form of justice and self-restraint, although this has not become mainstream doctrine. These studies highlight that a legal construction that heavily burdens women risks conflicting with principles of justice and equality that form part of contemporary maqasid discourse.

Conversely, research on reformulating the concept of iddah in the KHI, using Khaled Abou El Fadl’s negotiated hermeneutics, shows that iddah can be understood as a “responsibility” rather than merely a “restriction of movement”. From this emerge reform proposals: (a) permitting women to leave the house for work during iddah and ihdad within certain limits, (b) strengthening the legal status of *nafkah iddah* through religious court rulings,

²² Abdullah dkk., “Revisiting ‘Iddah.”

²³ Ahmet Ekşi dan A. H. M. Ershad Uddin, “APPLICATION OF MAINTENANCE DURING THE WAITING PERIOD (‘IDDA’): A PERSPECTIVE FROM OTTOMAN AND TURKISH CIVIL LAW,” *IJUM Law Journal* 31, no. 2 (2023): 347–72, <https://doi.org/10.31436/iiumlj.v31i2.792>.

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and (c) imposing sanctions on ex-husbands who default on financial obligations. From a maqasid perspective, these steps align with the principles of justice, hifz al-mal, and protection of women who are socio-economically vulnerable after divorce or the death of a husband.²⁴

Within Auda's systems theory framework, this space for reconstruction can be mapped more systematically. First, by treating iddah as a sub-system within the broader system of family law that is interconnected with rules on maintenance, child custody, inheritance, and protection from domestic violence. Second, by shifting from a logic of "static prohibitions" to a logic of "dynamic purposes": travelling, working, or social interaction during iddah are assessed not solely in terms of their outward form, but in terms of the extent to which they undermine or support the aims of mourning, recovery, and women's legal protection. Third, by opening institutional ijihad through the reform of the KHI, fatwas, and religious court jurisprudence so that iddah norms do not become a new source of vulnerability for women but truly realise the *maslahah* that is the spirit of maqasid.²⁵

6. Synthesis: A Maqasid-Systemic Model for Constructing Iddah

Based on all the above findings, this article proposes a Jasser Auda-based Maqasid al-Shariah framework for constructing iddah, which can be summarised in several points:

- a. Iddah is retained as a ta'abbudi obligation rooted in scriptural texts and thus cannot be replaced by medical technology, but its objectives are reinterpreted in broader, more contextual terms.
- b. The aims of iddah have expanded beyond hifz al-nasl toward a maqasid framework that includes hifz al-nafs, hifz al-'irdh, hifz al-mal, and gender justice, in line with contemporary expansions of maqasid.
- c. Positive norms (KHI, the Marriage Law) and fatwas (such as the 1981 MUI fatwa on iddah wafah) are read as nodes within a system that

²⁴ Shofiatal Jannah dan 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 (2023): 286–300, <https://doi.org/10.18860/j-fsh.v15i2.21065>.

²⁵ N. Saniah dkk., "Analysis of Maqâshid Sharî'a on Substitute Heir in Compilation of Islamic Law (KHI)," *Al-'Adalah* 20, no. 1 (2023): 35–60, Scopus, <https://doi.org/10.24042/adalah.v20i1.16062>.

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must be harmonised with the realities of career women and changing family structures through explicit maqasid-based ijihad.

- d. Technical regulations of iddah (such as permission to leave the house, maintenance arrangements, and sanctions) are directed so as not to contradict these objectives and, indeed, to function as instruments for ensuring more effective protection for women and children.

This model is expected to help bridge tensions between fidelity to the fiqh tradition, human-rights and gender-equality demands, and the practical needs of modern women, so that iddah is no longer perceived merely as a one-sided burden but as a living Sharia instrument that remains relevant within the contemporary Islamic family law system.

Conclusion

First, this study concludes that iddah remains a binding, partly ta'abbudi obligation rooted in clear Qur'anic and hadith texts, so its duration cannot be replaced or shortened by medical technologies such as ultrasonography (USG), even though USG can quickly confirm uterine emptiness. However, when reconstructed through Jasser Auda's Maqasid al-Shariah with a systems approach, the purposes of iddah extend beyond biological certainty (hifz al-nasl) to encompass the protection of life and psychological recovery (hifz al-nafs), honour (hifz al-'irdh), property and economic security (hifz al-mal), as well as gender justice in family relations. Second, the analysis of the Compilation of Islamic Law (KHI), national marriage legislation, and the 1981 MUI fatwa on iddah wafat shows that existing norms largely mirror classical fiqh, focusing on the number of days and movement restrictions on women, while dimensions of responsibility, nafkah, and social protection are not yet integrated as a single maqasid-driven system. From a gender perspective, such constructions tend to place asymmetrical burdens on women, especially workers, and risk clashing with contemporary understandings of justice and women's rights despite being normatively justified. Third, by employing Auda's systems features holism, openness, multidimensionality, and purposefulness, iddah can be reframed as a network of interconnected norms and values that encompass the obligations of husbands, the role of the state (through the courts), and community support, rather than merely the physical seclusion of women. This reconstruction confirms many substantive insights of contemporary reform proposals

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(reformulasi KHI, gender-sensitive readings, and MUI's partial flexibility) while providing a more explicit and coherent maqasid framework to harmonise classical fiqh, positive law, and social realities.

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