

## **The Urgency of Determining the Post-Divorce Iddah Payment Period in Indonesian Religious Courts**

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### **Abstract**

This study aims to provide legal justice for women after divorce. The determination of the period of payment of iddah income after divorce by the ex-husband to the ex-wife is very important because women who are carrying out the iddah period are not allowed to leave the house. For this reason, husbands are encouraged to provide iddah as stated in the word of Allah surah al-Thalaq:1. But, after divorce, the man disappears regardless of his ex-wife, besides that the policy on determining the period of payment of iddah income has not been regulated in the legislation or the compilation of Islamic law. So this research is important to be carried out as an effort to realize justice for women. This research is a literature research (Library research), which is a study that presents a variety of data by the research topic which includes primary data, namely the concept of iddah in the compilation of Islamic law which will be analyzed using Islamic legal theory. The results of the study that the determination of the period of payment of income is very important to be stated in the laws and regulations in Indonesia. Because the obligation to practice iddah will also be carried out if the ex-wife does not experience any deficiency Even the state can determine sanctions for ex-husbands who do not provide iddah to ex-wives. Sanctions provide a deterrent effect and encourage husbands to comply with their obligations fairly and responsibly.

**Keywords:** Divorce, Iddah, Indonesian Religious Courts, Urgency

## 1. INTRODUCTION

Iddah is a right that a wife has after divorce or when her husband dies. During this period, the wife is entitled to receive financial support from her husband to meet basic needs and facilitate adjustment after separation. This provision is contained in the compilation of Islamic law article 149 and is by the teachings and recommendations of Islamic Shari'a. However, the reality is that in society, this practice (providing 'iddah after divorce) is not fully implemented, not a few divorced wives are simply released without obtaining the rights that should be obtained after divorce, and vice versa not a few husbands after divorce just let go of their responsibilities.

In Indonesia, the provisions of UUP and the Compilation of Islamic Law (KHI on women's rights after divorce in the form of iddah talaq are as follows: (a) the court may order the ex-husband to provide living expenses and/or establish something mandatory for the ex-wife,<sup>1</sup> (b) The husband is obliged to protect his wife and meet all the needs of his life, as well as possible,<sup>2</sup> (c) The husband is obliged to provide bread, food, and kiswa to the ex-wife during the iddah period unless the ex-wife has divorced *ba'in* or *nusyuz* and is not pregnant,<sup>3</sup> (d) A residence is an honorable place for a wife to live during the bonds of marriage, divorce iddah, or death iddah. (e) The husband shall provide housing by his ability to the surrounding circumstances, either by using tools or other household facilities and facilities.<sup>4</sup>

In this context, religious courts have a central role in determining the period of payment of iddah bread. Religious courts in Indonesia have been authorized by the state to resolve legal disputes and disputes relating to marriage, divorce, and other family matters. In the process of determining the period of payment of iddah bread, the Religious Court must refer to the principles of Islamic law applicable in Indonesia. The determination of the period of payment of iddah by the Religious Court is also closely related to the principle of justice and protection of women's rights guaranteed in Islamic law.<sup>5</sup> In Islam, the iddah is the responsibility of the husband towards the newly divorced wife, and this iddah period protects women in transition and recovery after divorce. Therefore, religious courts must ensure that their decisions in determining the period of payment of iddah reflect the values of justice and protection of women's rights.<sup>6</sup>

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<sup>1</sup> Undang-undang Nomor 1 Tahun 1974 tentang Perkawinan pasal 41 ayat 2

<sup>2</sup> Pasal 34 ayat 1 UU Perkawinan dan KHI pasal 80 ayat 2

<sup>3</sup> Abdurrahman, *Kompilasi Hukum Islam di Indonesia*, 2018, Pasal 80 ayat 2.

<sup>4</sup> Abdurrahman, pasal 81 ayat 2 dan 4.

<sup>5</sup> Syaiful Annas, "Masa Pembayaran Beban Nafkah Iddah Dan Mut'ah Dalam Perkara Cerai Talak (Sebuah Implementasi Hukum Acara Di Pengadilan Agama)," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 10, no. 1 (2017): 1, <https://doi.org/10.14421/ahwal.2017.10101>.

<sup>6</sup> Muhammad Ridwan, "Eksekusi Putusan Pengadilan Agama Terkait Nafkah Iddah, Mut'ah," *Jurnal USM Law Review* 1, no. 2 (2018): 224, <https://doi.org/10.26623/julr.v1i2.2255>.

Based on research that has been done before, research on determining the rate of income is about the level of income that has not been regulated clearly and in detail, about the level of income that can be provided by the ex-husband, but the judge uses several legal bases in determining a decision that is the basis for consideration. Several factors are considered by the panel of judges in determining the amount of income that must be provided by the former husband after divorce to his wife and children: a) based on the appropriateness and ability of the husband as measured by looking at the husband's income every month, b) looking at the age of marriage that has been carried out, c) seeing whether the wife is nusyuz or not, d) adjusting between the needs and abilities of the husband according to the conditions of an area, e) see if a husband commits injustice against his wife, such as domestic violence.<sup>7</sup>

Another study on the fulfillment of iddah income from the perspective of *maslahah mursalah* which discusses divorce talaq and divorce lawsuit cases in the process both fight for the fulfillment of iddah rights, as for the results of this study the judge has *ijtihad* to postpone the talaq pledge until the ex-husband is able to pay his obligations. This is considered in accordance with the theory of *maslahah mursalah* which determines the conditions, among others: 1) rational, 2) in line with *maqashid sharia*, 3) maintaining basic principles to eliminate difficulties.<sup>8</sup>

In addition, in research on post-divorce income for his wife and children judges have considered two considerations, namely The imposition of the obligation to provide post-divorce support to wives and children is still the responsibility of the husband after divorce in the form of evidence presented in the trial, including photocopy of salary slips, the length of the marriage, the status of Nusyuz's wife or not and the husband's ability to provide for the ex-wife. As for the view of Islamic law, the provision of iddah is carried out for the benefit of both parties to the litigant known as *al-maslahah al-mursalah*, namely maintaining from land and maintaining expediency.<sup>9</sup>

In practice, judges in religious courts in deciding a case have considered several factors such as the husband's income level, the wife's living needs, the number of dependents that must be borne by the husband, and consideration of family welfare after divorce. This is the *ijtihad* of judges collectively to fight for the livelihood of iddah. But in reality, there are still many ex-husbands who do not carry out court

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<sup>7</sup> Riyan Ramdani and Firda Nisa Syafitri, "Penentuan Besaran Nafkah Madhiyah, Nafkah Iddah Dan Mut'ah Dalam Perkara Perceraian Di Pengadilan Agama," *ADLIYA: Jurnal Hukum Dan Kemanusiaan* 15, no. 1 (n.d.): 37–50, <https://doi.org/10.15575/adliya.v15i1.11874>.

<sup>8</sup> Murjani Ahmad Taufik Riadi, "Nafkah Iddah Dalam Perkara Perceraian Di Pengadilan Agama Samarinda Perspektif Maslahah Mursalah," *Mitsaq: Islamic Family Law Journal* 1, no. 2 (2023): 126–46.

<sup>9</sup> Khairuddin Khairuddin, Badri Badri, and Nurul Auliyana, "Pertimbangan Hakim Terhadap Putusan Nafkah Pasca Perceraian (Analisis Putusan Mahkamah Syar'iyah Aceh Nomor 01/Pdt.G/2019/MS.Aceh)," *El-Ussrah: Jurnal Hukum Keluarga* 3, no. 2 (2020): 164, <https://doi.org/10.22373/ujhk.v3i2.7700>.

decisions. This is because there is no clear regulation ratified in the form of legislation or compilation of Islamic law about the period that is clear for the ex-husband to pay iddah after a court decision.

In this regard, the religious court must consider the social, cultural, and changing context of the times in making decisions regarding the determination of payment of income during the iddah period. The application of Islamic law must be flexible and interpretable according to the needs of today's Indonesian Muslim community. In this case, certainty related to the determination of the period of payment of iddah must be determined clearly and in detail to provide legal certainty and also protect women's rights to get justice after divorce. So that the obligation of iddah will be carried out by the provisions of the Shari'a. This study aims to provide legal justice for women after divorce.

## **2. METHOD**

This research is a literature research (*library research*) which is a study that presents a variety of data by the research topic which includes primary data, namely the concept of iddah in the compilation of Islamic law which will be analyzed using Islamic legal theory in the form of books, books and supporting data derived from online news, magazines, newspapers and so on that have a direct or indirect relationship with the object of research. The approach in this study using a qualitative approach, namely trying to find a deep understanding of problems that arise with certain symptoms, facts or reality that have a relationship with community behavior.<sup>10</sup> That is by observing the concept of iddah in the compilation of Islamic law and the practice of implementing iddah provision carried out by the ex-husband to the ex-wife after divorce. Furthermore, the data that has been collected will be analyzed using data reduction steps, presentation or display of data, and conclusion or verification,<sup>11</sup> namely selecting and presenting data related to the results of research on the practice of iddah and iddah livelihood in various regions in Indonesia as well as cases from social media, books and scientific papers, then analyzed using Islamic legal theory, resulting in a conclusion in the form of accommodating thinking on the problems of Islamic society, especially on the issue of iddah.

## **3. RESULTS AND DISCUSSION**

### **3.1 Ex-Husband's Obligation to Fulfill Iddah Income**

Marriage is a commitment between a man and a woman to build a household. Both parties are legally bound after executing the marriage contract, the result is that both

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<sup>10</sup> J.R Raco, *Metode Penelitian Kualitatif Jenis, Karakter dan Keunggulannya* (Jakarta: PT Gramedia Widiasarana Indonesia, 2010), 70.

<sup>11</sup> I Lexy Moleng, *Metodologi Penelitian Kualitatif*, I (Bandung: Remaja Rosda Karya, 2005), 235.

have obligations and rights that they did not previously have.<sup>12</sup> In marriage God designs wisdom to actualize wisdom, bright direction, and noble purpose that reconcile the turmoil of human instincts, the majesty of the soul, and feelings with the sanctity of society. In addition, marriage is a process of uniting two personalities, attitudes, and thoughts between the two people. Therefore, physical and mental maturity is one of the conditions that must be met by both parties (prospective husband and prospective wife) before marriage so that there are no conflicts in the future that can lead to divorce.<sup>13</sup>

In Islam, divorce is considered a last resort when attempts at reconciliation and mediation fail to improve the relationship between husband and wife. Although Islam respects the institution of marriage and encourages the continuity of a healthy relationship between husband and wife, certain provisions allow divorce in irreparable situations. After a divorce, both husband and wife have certain rights and obligations that must be obeyed by both, especially the husband's obligation to the ex-wife, which is to pay a living, both iddah and mut'ah, especially if there is a burden mentioned in the judgment issued by the Religious Court.<sup>14</sup>

Iddah is a right that a wife has after divorce or when her husband dies. During this period, the wife is entitled to receive financial support from her husband to meet basic needs and facilitate adjustment after separation. The timing of payment of iddah varies depending on the religion, culture, and legal regulations applicable in each country. In Indonesia, the provisions of the Marriage Law in Indonesia and the Compilation of Islamic Law (KHI) on women's rights after divorce in the form of iddah talaq income are as follows: (a) the court may order the ex-husband to provide living expenses and/or establish something mandatory for the ex-wife,<sup>15</sup> (b) The husband shall protect his wife and provide for all the necessities of her life as well as possible,<sup>16</sup> (c) The husband shall provide bread, food, and kiswa to the ex-wife during the iddah period unless the ex-wife has divorced ba'in or nusyuz and is not pregnant,<sup>17</sup> (d) Residence is an honorable place for a wife to live during the marriage bond, iddah divorce, or iddah death. (e) The husband shall provide housing by his abilities by the surrounding circumstances, either by using tools or other household facilities and facilities.<sup>18</sup> The provisions related to the amount of

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<sup>12</sup> Haris Hidayatullah, "Rights and Duties of Husband and Wife in the Qur'an," *Journal of Islamic Family Law* 4, no. 2 (2019): 143–65.

<sup>13</sup> Fakhriatus Sa'adah Fachrodin, "Ijtihad Hakim Dalam Menentukan Kadar Mut'ah Dan Nafkah Iddah," *Juriah: Jurnal Ilmu Hukum* 1, no. 1 (2022): 67–81.

<sup>14</sup> Saifullah Arista Yuniarti, "Konsep Talak Perspektif Wahbah Az-Zuhaili, Muhammad Jawad Mughniyah Dan Kompilasi Hukum Islam," *Journal of Economics, Law and Humanities* 2, no. 1 (2023): 60–78.

<sup>15</sup> Undang-undang Nomor 1 Tahun 1974 tentang Perkawinan pasal 41 ayat 2

<sup>16</sup> Pasal 34 ayat 1 UU Perkawinan dan KHI pasal 80 ayat 2

<sup>17</sup> Abdurrahman, *Kompilasi Hukum Islam di Indonesia*, 2018, Pasal 80 ayat 2.

<sup>18</sup> Abdurrahman, pasal 81 ayat 2 dan 4.

income in the form of shelter, food, and kiswa are adjusted to the propriety and ability of the husband based on his income.<sup>19</sup> If maintenance is not carried out, then the wife has the right to sue the court for the husband's negligence in meeting her needs.<sup>20</sup>

### **3.2 The Relevance of Iddah Income Payment to Ex-Wife After Divorce**

In Indonesia, until now there is no clear provision on legal consequences if the husband fails to fulfill the obligation to pay iddah bread. This can cause uncertainty and hardship for wives who are entitled to receive iddah bread, as there is no effective legal mechanism to enforce their rights. The existence of a legal vacuum related to the regulation of the provision of the time for payment of iddah income can also provide an opening for abuse and exploitation. For example, in some cases, husbands may take advantage of this legal vacuum by deliberately delaying or avoiding the payment of iddah to the financial detriment of their ex-wives.<sup>21</sup>

Therefore, it is important to overcome this legal vacuum and strengthen legal protections for women who are entitled to a living after divorce.<sup>22</sup> The provision of income in the Compilation of Islamic Law (KHI) seems oriented which because of this position, in some cases, causes low power of wives in the household. The pattern of power relations is indeed influenced by many factors and the pattern of 'living' and 'living' relationships forms an unequal relationship. In the context of gender justice, this is certainly problematic and therefore the provision of livelihood in the IHL should also consider (the possibility of) women's involvement in the search process. In the context of earning a living for women is a choice. With this model, women have the right to be independent and involved in earning a living for their awareness and sincerity. It is part of the actualization and improvisation of women rather than just being at home. However, with the concept of gender justice, women who choose to take part at home (domestic sphere) must also be valued and should not be degraded.<sup>23</sup>

Based on the current reality of regulations and the context of Indonesian people's lives, steps can be taken for improvement which include drafting clear and firm regulations regarding the timing of iddah payments, as well as setting up effective and efficient law enforcement mechanisms to ensure the fulfillment of such obligations. With clear regulations and strong enforcement mechanisms, legal

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<sup>19</sup> ACT. No. 1 of 1974 concerning Marriage article 34 paragraph 1, and Compilation of Islamic Law article 80 paragraph 2 and 81 paragraph 4.

<sup>20</sup> UU. No. 1 Tahun 1974 tentang Perkawinan Pasal 34 ayat 3.

<sup>21</sup> Muchammad Hammad, "Hak-Hak Perempuan Pasca Perceraian: Nafkah Iddah Talak Dalam Hukum Keluarga Muslim Indonesia, Malaysia, Dan," *Jurnal Al-Ahwal* 7, no. 1 (2014): 51–52.

<sup>22</sup> Muhammad Fauzan, "Maqashid Nafkah Iddah Dan Perlindungan Perempuan," *Jurnal Hukum Islam* XVI, no. 1 (2016): 71–82., 75.

<sup>23</sup> Samsul Zakaria, "Nafkah Dan Ketimpangan Gender (Analisis Nafkah Dalam Kompilasi Hukum Islam)," *Ijtihad* 36, no. 2 (2020): 51–66.

vacancies related to the regulation of iddah payment time provisions can be overcome and help create a fair legal system for all parties involved in divorce proceedings.

In this context, religious courts have a central role in determining the period of payment of iddah bread. Religious courts in Indonesia have been authorized by the state to resolve legal disputes and disputes relating to marriage, divorce, and other family matters. In the process of determining the period of payment of iddah bread, the Religious Court must refer to the principles of Islamic law applicable in Indonesia.<sup>24</sup> The relevance of determining the period of payment of iddah income to Islamic law in Indonesia can be understood from several aspects. *First*, Indonesia as a Muslim-majority country recognizes Islamic law as one of the sources of national law. Therefore, the decision of the Religious Court in determining the period of payment of iddah must take into account the Islamic law in force in the country.

*Second, the determination of the* period of payment of iddah by the Religious Court is also closely related to the principle of justice and protection of women's rights guaranteed in Islamic law. In Islam, the iddah is the responsibility of the husband towards the newly divorced wife, and this iddah period protects women in transition and recovery after divorce. Therefore, religious courts must ensure that their decisions in determining the period of payment of iddah reflect the values of justice and protection of women's rights. *Third*, the relevance of determining the period of payment of iddah to Islamic law in Indonesia is also related to the balance between religious norms and the demands of modern life. Religious courts must consider the social, cultural, and changing contexts of the times in making decisions related to the iddah period. The application of Islamic law must be flexible and interpretable according to the needs of today's Indonesian Muslim community.<sup>25</sup>

### **3.3 Ijtihad Hakim in Determining Payment of Iddah Income**

To maintain the relevance of the determination of the period of payment of iddah of religious courts to Islamic law in Indonesia, judges, and related parties need to have a good understanding of Islamic law, local traditions, and the social and cultural context in which Islamic law is practiced. Collaboration between religious authorities, Islamic legal scholars, and civil law experts is also important to ensure that decisions are taken on the principles of religion and justice recognized by Indonesian society at large.

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<sup>24</sup> Misbachudin, "Pencegahan Perceraian Melalui Implementasi Bimbingan Perkawinan Di KUA Kec. Jeparo Dan Donorojo," *Isti'dal: Jurnal Studi Hukum Islam* 8, no. 1 (2021): 105–12.

<sup>25</sup> Aunur Rahim Faqih Umar Haris Sanjaya, *Hukum Perkawinan Islam Di Indonesia*, I (Yogyakarta: Gama Media, 2017).

In practice, to fill the legal void regarding the determination of the time or period of payment of iddah bread, some judges in the Religious Court perform *ijtihad*. *Ijtihad* judges are important because judges need to understand Islamic law deeply and consider the social conditions and needs of individuals involved in divorce cases. The judge will conduct a review of the verses of the Quran, hadith, and fatwas of scholars, as well as relevant principles of Islamic law to reach a decision that is fair and by religious teachings. The determination of the period of payment of iddah income can also be influenced by various factors such as the husband's income level, the wife's living needs, the number of dependents that must be borne by the husband, and consideration of family welfare after divorce. Judges need to consider all of these factors in making decisions that are in favor of interests and fairness for both parties.<sup>26</sup>

However, *ijtihad hakim* does not mean that every judge will give the same decision in a similar case. Because the *ijtihad* of the judge is subjective, the determination of the period of payment of iddah may vary depending on the understanding and interpretation of the judge examining the case. Nonetheless, the principles of Islamic law and the purpose of justice remain the primary guide in decision-making. In the context of religious courts, *ijtihad hakim* is not arbitrary. Judges must pay attention to legal certainty, justice, and the interests of the community in performing *ijtihad*. Therefore, it is important for judges to continuously improve their understanding of Islamic law and also dialogue with Islamic scholars and jurists to avoid erroneous and subjective interpretations.<sup>27</sup>

In several cases that occurred in religious courts, some judges have conducted *ijtihad* related to the period of payment of iddah bread, namely the determination of the period of payment of iddah before the reading of *talaq*, but this is contrary to SEMA Number 3 of 2015 dated December 29, 2015, concerning the Implementation of the Formulation of the Results of the Plenary Meeting of the Supreme Court Chamber in 2015 as a Guideline for the Implementation of Duties for the Court, Especially in the section of the results of the plenary meeting of the Religious Chamber in point 12 it is stated "*in the judgment of divorce talaq, there is no need to add the sentence "order the Applicant to pay or pay off the burden of divorce shortly before or after the pronouncement of the talaq pledge" because it gives rise to premature execution.*"<sup>28</sup>

However, if you look at and analyze the judge's consideration in the decision of the Palangkaraya Religious Court Number: 14 / Pdt.G / 2020 / PTA. In this case, the

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<sup>26</sup> Khairuddin, Badri, and Auliyana, "Pertimbangan Hakim Terhadap Putusan Nafkah Pasca Perceraian (Analisis Putusan Mahkamah Syar'iyah Aceh Nomor 01/Pdt.G/2019/MS.Aceh)."

<sup>27</sup> Fachroddin, "Ijtihad Hakim Dalam Menentukan Kadar Mut'ah Dan Nafkah Iddah.", 81.

<sup>28</sup> SEMA Nomor 3 Tahun 2015 tentang Pemberlakuan Rumusan Hasil Rapat Pleno Kamar Mahkamah Agung tahun 2015 Sebagai Pedoman Pelaksanaan Tugas Bagi Pengadilan, point 12.



panel of judges considers at least three aspects, namely juridical, philosophical, and sociological.<sup>29</sup> *First*, the juridical aspect in which judges have performed their duties by the judicial authority contained in law number 48 of 2009, namely Article 10 paragraph 1 which explains the prohibition for judges to refuse to examine, try, and make decisions on a case. *Second*, the philosophical aspect is the payment of iddah and mu'tah income made before the talaq pledge. In Islamic law, ijthad hakim is permissible; Judges are seen as mujtahids who have to make decisions and set laws. If there is already a law and the decision is taken on the grounds of qat'i, the judge may not perform his ijthad. Therefore, judges are allowed to perform ijthad in cases where there is no legal requirement, as long as the ijthad does not contradict existing law and is used to uphold justice and the benefit of the people. *Third*, the sociological aspect, namely the judge's step in fighting for the wife's support after the divorce is through a persuasive approach, not necessarily punishing to pay a certain amount, but also looking at the ability and ability of the applicant to pay so that there is no longer any reason for not being able to pay it. This certainly results in benefits for both parties to the litigation.<sup>30</sup>

### **3.4 Payment of Iddah Income Islamic Legal Perspective**

Ijthad hakim in a religious court ruling that advised the ex-husband to fulfill the rights of the wife after divorce, because of concerns about the husband who would not pay his obligations after the reading of this talaq pledge by the rules of Usul Fiqh, namely:

الضَّرُّ يُزَالُ

*"Madharatan must be eliminated".*

In addition, avoiding damage takes precedence over taking care. In terms of iddah income, delaying the trial of the recitation of the talaq pledge is better than prompting divorce but the rights of ex-wives and children are neglected. The rules of Usul Fiqh are below:

دَرْأُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ

*"Avoiding some mafsadat (damage) takes precedence over taking some maslahat (good)";*

This is in line with government provisions that want to guarantee the rights of women and children after divorce. This provision is contained in the circular letter of the Directorate General of Religious Justice Agency Number 1669 / DJA / HK.00 / 5/2021 concerning guarantees for the fulfillment of the rights of women

<sup>29</sup> Dudu Duswara Machmudin, Pengantar Ilmu Hukum Sebuah Sketsa, ed. oleh Refika Aditama (Bandung, 2003), 22-23.

<sup>30</sup> Sudikno Mertokusumo, Hukum Acara Perdata Indonesia (Yogyakarta: Liberty, 1999), 175.

and children after divorce both in divorce cases, lawsuit divorce, and children's rights caused by parental divorce.<sup>31</sup>

In addition to determining the period of payment of iddah income after divorce, the state can also provide sanctions for former suami who do not implement the decision of the Religious Court by not paying iddah income according to the points contained in the decision. In the context of Indonesian Islamic law, iddah is a right attached to marital status that must be fulfilled by the ex-husband after divorce or the breakup of the marriage bond. Sanctions for ex-husbands who do not implement religious court rulings on iddah provision are important to ensure the fulfillment of women's and children's rights.

However, in reality, there are still many cases where a husband does not comply with his obligation to pay iddah for certain reasons. This can cause suffering and hardship for ex-wives who need financial support during the iddah period. Therefore, the imposition of sanctions on violations of paying iddah needs to be a serious concern to maintain justice and protect women's rights.<sup>32</sup>

The enforcement of sanctions against husbands who do not pay iddah has the main objective of ensuring the fulfillment of legal obligations mandated by Islam, as stated in the Qur'an surah al-Thalaq verses 1 and 6, namely:

يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ وَاتَّقُوا اللَّهَ رَبَّكُمْ  
لَا تَخْرُجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُّبِينَةٍ ۚ وَتِلْكَ حُدُودُ اللَّهِ  
وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ ۚ لَا تَدْرِي لَعَلَّ اللَّهَ يُحْدِثُ بَعْدَ ذَلِكَ أَمْرًا

*Meaning: O Prophet, when you divorce your wives, you should divorce them when they can (face) their idah (which is natural), and count the time of idah and fear Allah your Lord. Do not take them out of their homes and do not (be allowed) to go out unless they do obvious heinous deeds. Those are God's laws. He who transgresses the laws of God has committed cruelty against himself. You do not know that God may then make a new provision. (QS. Al-Thalaq:1)*

أَسْكِنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وُجْدِكُمْ وَلَا تُضَارُّوهُنَّ لِئُضَيِّقُوا عَلَيْهِنَّ وَإِنْ كُنَّ  
أُولَاتٍ حَمْلًا فَأَنْفِقُوا عَلَيْهِنَّ حَتَّىٰ يَضَعْنَ حَمْلَهُنَّ فَإِنْ أَرْضَعْنَ لَكُمْ فَآتُوهُنَّ أُجُورَهُنَّ وَأَنْتُمْ  
بَيْنَكُمْ بِمَعْرُوفٍ وَإِنْ تَعَاَسَرْتُمْ فَمَسْرُوعٌ لَهُ أَخْرَاجٌ

*Meaning: Place them (divorced wives) where you live according to your ability and do not trouble them to constrict their (hearts). If they (the divorced wives) are pregnant, then give them their sustenance until they give birth, then if they suckle*

<sup>31</sup> surat edaran Direktorat Jenderal Badan Peradilan Agama Nomor 1669/DJA/HK.00/5/2021 tentang jaminan pemenuhan hak-hak perempuan dan anak pasca perceraian

<sup>32</sup> Fatehatul Mubarakah, Mohammad Hasan Bisyrri, and Noorma Fitriana M Zain, "Kesadaran Hukum Masyarakat Tentang Masa Iddah ( Studi Kasus Di Dusun Kemadang Desa Keteleng Kecamatan Blado Kabupaten Batang)," *Al Hukkam: Journal Od Islamic Family Law* 1, no. 2 (2021): 293–306, <https://doi.org/https://doi.org/10.28918al-hukkam.v1i2.4819>.

*your (children) then reward them; and deliberate among you (all things) well; And if you both encounter difficulties (in terms of breastfeeding), then another woman can breastfeed (the child) for him. (QS. Al-Thalaq:6)*

Both verses above contain the command to meet the needs of women after divorce which can be called iddah which is one of the important aspects of Islamic law, this involves the responsibility of a husband towards his ex-wife after a divorce or death of the husband whether the woman is pregnant or not. Iddah provides to protect women's interests and gives women time to overcome the transition period of life after separation from their partners.

Because the actual impact caused by divorce, not only has an impact on the condition of the ex-wife but also the psychological condition of the child, the occurrence of parental divorce has a very negative impact on children's education. Because children are the most hurt victims when their parents decide to divorce, children are afraid of not getting love from their parents who do not live in the same house. School achievement will also decrease, and children will prefer to be alone even to the point of depression.<sup>33</sup>

#### **4. CONCLUSION**

The rules and regulations for the payment of iddah income are very important things to be stated in the laws and regulations in Indonesia. Because iddah is a woman's right, what happens is that the state has not determined the grace period for paying iddah bread. This will certainly provide opportunities for ex-husbands to neglect their obligations both to their ex-wives and children. In addition, the state can also determine sanctions for ex-husbands who do not provide iddah to ex-wives. Sanctions provide a deterrent effect and encourage husbands to comply with their obligations fairly and responsibly.

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<sup>33</sup> Talitha Raissa Zhafira, Sutisna Sutisna, and Yono Yono, "Dampak Perceraian Terhadap Pendidikan Anak: Studi Kasus Desa Ciherang Pondok, Caringin Bogor," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 5, no. 1 (2022): 134–43, <https://doi.org/10.47467/as.v5i1.1936>.

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