

Reinterpreting Iddah for Career Women: Najmuddin Tufi's Maqashid Sharia Approach

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Reinterpreting Iddah for Career Women: Najmuddin Thufi's Maqashid Sharia Approach

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Abstract

This study aims to reinterpret the concept of iddah (waiting period) for career women using a maqashid sharia approach based on Najmuddin Thufi's thought. Iddah is an Islamic ruling intended to protect family and societal welfare, yet it presents challenges for modern career women. The traditional rules of iddah, which restrict activities outside the home, can impact women's social and economic well-being, particularly for those who work. This research employs Najmuddin Thufi's approach, which emphasizes public interest (*maslahah*), to explore whether the rules of iddah require adjustment for career women without compromising the fundamental objectives of Islamic law. Using a qualitative methodology with a library research approach, this study gathers data from literature on Islamic law, maqashid sharia and Najmuddin Thufi's theory. The study finds that reconstructing iddah for career women is feasible by applying maqashid sharia principles, particularly through Thufi's emphasis on *maslahah*. In the context of working women, traditional iddah rules—which limit activities outside the home—present challenges, especially concerning economic and social well-being. Based on the principle of *maslahah*, the iddah rule can be adapted without disregarding the core objectives of sharia, allowing career women to continue working during the waiting period as long as they uphold personal dignity and adhere to Islamic legal regulations. This approach offers a contextual and adaptive interpretation of Islamic law that aligns with modern developments while preserving the objectives of Sharia. The study concludes that iddah for career women can be reconstructed to bridge the gap between religious obligations and contemporary socio-economic needs.

Keywords: Career Women, Iddah, Islamic Law, Maqashid Sharia, Najmuddin Thufi.

Abstrak

Penelitian ini bertujuan untuk mereinterpretasi konsep iddah bagi wanita karir menggunakan pendekatan maqashid syariah berdasarkan kerangka pemikiran Najmuddin Thufi. Iddah adalah ketentuan Islam yang dimaksudkan untuk melindungi kesejahteraan keluarga dan masyarakat. Namun, aturan ini menghadirkan tantangan bagi wanita karir modern. Aturan tradisional iddah yang membatasi aktivitas di luar rumah dapat memengaruhi kesejahteraan sosial dan ekonomi perempuan, terutama bagi mereka yang bekerja. Penelitian ini menggunakan pendekatan Najmuddin Thufi yang menekankan pada *maslahah* (kepentingan umum) untuk mengeksplorasi apakah aturan iddah memerlukan penyesuaian bagi wanita karir tanpa mengorbankan tujuan fundamental hukum Islam. Dengan menggunakan metodologi kualitatif dan pendekatan studi pustaka, penelitian ini mengumpulkan data dari literatur tentang hukum Islam, maqashid syariah, dan teori Najmuddin Thufi. Hasil penelitian menunjukkan bahwa rekonstruksi konsep iddah bagi wanita karir dapat dilakukan dengan menerapkan prinsip-prinsip maqashid syariah, terutama melalui penekanan Thufi pada *maslahah*. Dalam konteks wanita yang bekerja, aturan iddah tradisional—yang membatasi aktivitas di luar rumah—menyajikan tantangan, terutama terkait kesejahteraan ekonomi dan sosial. Berdasarkan prinsip *maslahah*, aturan iddah dapat disesuaikan tanpa mengabaikan tujuan utama syariah, sehingga memungkinkan wanita karir untuk tetap bekerja selama masa iddah selama mereka menjaga martabat pribadi dan mematuhi ketentuan hukum Islam. Pendekatan ini menawarkan interpretasi hukum Islam yang kontekstual dan adaptif yang selaras dengan perkembangan modern, sambil tetap mempertahankan tujuan syariah. Penelitian ini menyimpulkan bahwa iddah bagi wanita karir dapat direkonstruksi untuk menjembatani kesenjangan antara kewajiban agama dan kebutuhan sosial-ekonomi kontemporer.

Kata Kunci: Wanita Karir, Iddah, Hukum Islam, Maqashid Syariah, Najmuddin Thufi.



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Introduction

This study aims to reinterpret the concept of iddah for career women through a maqashid sharia approach, drawing upon Najmuddin Thufi's thought. In the modern era, women's roles extend beyond the domestic sphere, as they play active roles in various professional sectors, making significant contributions to the economy and society. However, this dual role brings challenges, especially for women subject to the iddah rules after the death of or divorce from their husbands. The iddah rule in Islamic law is designed to protect family and societal interests, yet, for career women, these restrictions often conflict with professional responsibilities and affect their economic and social well-being.¹

One objective of iddah is to uphold family honor and address uncertainties in familial relationships.² However, the strict application of iddah for career women often conflicts with their work-related needs. The issue of iddah policy for working women is thus increasingly relevant for study,³ as existing policies often do not account for the fact that many women must maintain their professional commitments without facing restrictive or discriminatory limitations due to iddah. The core question, therefore, is how iddah policies can be adapted to accommodate the needs of career women without compromising the essential goals of Islamic law.⁴

Several studies have addressed iddah for career women, examining relevant legal, social, and spiritual aspects. Nurnazli (2017), in *The Relevance of 'iddah in the Age of Modern Technology*, argues that science and technological advancements should not justify dismissing the iddah provisions found in the Qur'an and Sunnah. Nurnazli emphasizes that iddah serves not only physical and emotional purposes but also upholds faith in Allah and the sanctity of marriage, with an emphasis on mutual respect and communal benefit.⁵ Gihad, Omran, and Elbashir (2024), in *Spiritual and Scientific Benefits of 'iddah (waiting period) to Muslim Widow and Divorcee*, examine the spiritual and scientific benefits of iddah but acknowledge challenges for working women.⁶ Additionally, Fuady, Abdullah, et al. (2023), in *Revisiting 'iddah: A Critical Analysis of Gender Equality in Indonesian Feminist Islamic Legal Discourse*, analyze iddah

¹ Oyoh Bariah and Ferianto Ferianto, 'Legal Implications of Marriage During the 'Iddah Period: Analytical Study of the Opinions of Fiqh Scholars', *International Journal Ihya' 'Ulum al-Din* 26, no. 1 (20 June 2024): 10–22, <https://doi.org/10.21580/ihya.26.1.20519>.

² Dedy Pramana, Abnan Pancasilawati, and Lilik Andar Yuni, 'Perbandingan Konsep Syibhul 'Iddah Dalam KHI Dan Surat Edaran Dirjen Bimas Islam Perspektif Maqāsid Syari' Ah', *MAQASID* 13, no. 1 (2024): 29–43; Mas Umar, 'IDDH OF DEATH DIVORCE FOR CARRER WOMAN IN PERSPECTIVE JASSER AUDA'S MAQASID SHARIA', *Al Hakam: The Indonesian Journal of Islamic Family Law and Gender Issues* 3, no. 1 (2023): 1–19.

³ Sinta Pomahiya, Nur M. Kasim, and Dolot Alhasni Bakung, 'Legal Consequences of Marriage During Iddah Period Based on Compilation Islamic Law', *Estudiante Law Journal* 4, no. 2 (15 October 2022): 708–19, <https://doi.org/10.33756/eslaj.v4i2.18848>.

⁴ Muh Sholihuddin, Saiful Jazil, and Syamsun Ni'am, 'Remarriage in The 'Iddah Perspective of Maqāsid Al-Ushrah: Study in Wedoro Waru, Sidoarjo, Indonesia', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (11 May 2024): 726–49, <https://doi.org/10.22373/sjhk.v8i2.15061>.

⁵ Nurnazli Nurnazli, 'Relevansi Penerapan 'Iddah Di Era Teknologi Modern', *Ijtima'iyya: Jurnal Pengembangan Masyarakat Islam* 10, no. 1 (8 March 2018): 121–42, <https://doi.org/10.24042/ijpmi.v10i1.2358>.

⁶ Gihad Omran Elbashir, 'Spiritual and Scientific Benefits of Iddah (Waiting Period) to Muslim Widow and Divorcee', *International Journal of Religion* 5, no. 6 (1 May 2024): 865–69, <https://doi.org/10.61707/v02wkv38>.

from a gender equality perspective, suggesting that adjustments may be necessary to meet career women's needs within Indonesia's Islamic legal context.⁷ Marzuki and Diana (2023), in *Reconstruction of 'iddah Career Women from the Perspective of Compilation of Islamic Law and Kyai Husain Muhammad*, proposes a more progressive approach to iddah for career women, based on Indonesian Islamic jurisprudence and the views of Kyai Husain Muhammad.⁸ These studies provide a comprehensive view on the need to adapt iddah rules to better suit the changing social and economic landscape for career women.

This study diverges from previous research by focusing on a different approach and perspective. Using Najmuddin Thufi's framework, this research emphasizes public interest (*maslahah*) as a central principle in Islamic law. Thufi's approach is more flexible than classical Islamic jurisprudence, as it accommodates adaptations of iddah rules in response to modern contexts, particularly for career women. Unlike prior studies, this research specifically addresses the challenges that iddah poses for working women, highlighting how traditional iddah requirements can clash with the professional needs of modern women. Additionally, this study links the reconstruction of iddah with socio-economic impacts, emphasizing that activity restrictions may be less applicable to women who work to fulfill economic needs. Using a maqashid sharia approach, this research offers adaptive policy solutions that align with the times while preserving sharia's core objectives. As such, this research provides a new contribution to Islamic legal discourse by finding a balance between religious obligations and the professional demands of modern women.

This study seeks to answer a central question: how can traditional iddah rules in Islamic law be applied to career women in the modern era? As more women play active roles in the workforce, iddah restrictions on outdoor activities during the waiting period often present significant challenges. This study, therefore, explores the relevance of iddah for women pursuing professional careers today. A second question examined is how Najmuddin Thufi's maqashid sharia framework, which emphasizes public interest (*maslahah*), can be applied to adapt iddah rules for career women. This approach seeks to balance religious obligations with the professional demands of modern women, proposing adjustments that align with the primary goal of Islamic law: to protect honor and societal welfare without imposing undue hardship on working women.

⁷ Fuady Abdullah, Nova Anggraini Putri, and Youssof Salhein, 'Revisiting 'Iddah: A Critical Analysis of Gender Equality in Indonesian Feminist Islamic Legal Discourse', *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (15 December 2023): 275–90, <https://doi.org/10.31958/juris.v22i2.10320>.

⁸ Ismail Marzuki and Qudsiyatut Diana, 'Reconstruction of Iddah Career Women from the Perspective of Compilation of Islamic Law and Kyai Husain Muhammad', *Reslaj: Religion Education Social Laa Roiba Journal* 5, no. 5 (22 May 2023): 2798–2816, <https://doi.org/10.47467/reslaj.v5i5.3790>.

Method

This research employs a qualitative method through a library research approach.⁹ The primary sources include key texts on maqashid sharia, particularly Najmuddin Thufi's perspectives, as well as classical and contemporary works on iddah regulations in Islamic law. Additionally, this research references Islamic legal documents, such as the Compilation of Islamic Law (KHI) and ulema fatwas related to iddah. Data was gathered through documentation studies, examining books, scholarly journals, articles, and legal documents. The data collection technique also incorporates comparative analysis, comparing the perspectives of traditional and contemporary scholars on iddah with the experiences of career women in the modern era.

Data analysis is conducted in a qualitative, descriptive manner.¹⁰ This begins with data reduction, where relevant information is selected from the reviewed literature. The data is then organized into a narrative that contrasts traditional iddah regulations with the challenges faced by career women. In the final stage, the study applies Najmuddin Thufi's maqashid sharia theory, which emphasizes *maslahah*, as a framework to assess whether iddah rules for career women could be adapted. The analysis aims to provide adaptive and contextual legal solutions that uphold *sharia's* primary purpose of protecting honor and societal welfare.

Concept of iddah in Islamic teachings

Iddah (waiting period) in Islamic law refers to the waiting period required for a woman after separation from her husband, either due to divorce (*talaq*) or the death of her husband, before she is allowed to remarry. The primary purpose of iddah is to safeguard family and community interests and protect the rights of women and children who may be affected. The regulations surrounding iddah are outlined in the Qur'an and hadith to preserve honor, ensure legitimacy of offspring, and allow women time to adjust to changes in their social status.¹¹

According to the Qur'an, divorced women must observe iddah for three menstrual cycles (al-Baqarah [2]:228), during which they are not permitted to remarry. This ruling applies to women who are not pregnant and aims to eliminate any ambiguity regarding the paternity of potential offspring. For widows, the prescribed iddah period is four months and ten days (al-Baqarah [2]:234). During this period, women are prohibited from remarrying and are expected to uphold their dignity,

⁹ Albi Anggito and Johan Setiawan, *Metodologi Penelitian Kualitatif* (CV Jejak (Jejak Publisher), 2018); Abd Hadi, *Penelitian Kualitatif Studi Fenomenologi, Case Study, Grounded Theory, Etnografi, Biografi* (CV. Pena Persada, 2021), https://books.google.com/books?hl=id&lr=&id=MtKREAAQBAJ&oi=fnd&pg=PA10&dq=fenomenologi&ots=_xxurehefV&sig=rtKRogSpHk4k46yGiMLGvDVq2v8.

¹⁰ James Danandjaja, 'Metode Penelitian Kepustakaan', *Antropologi Indonesia*, 2014; Farida Nugrahani and M. Hum, 'Metode Penelitian Kualitatif', *Solo: Cakra Books* 1, no. 1 (2014): 3–4.

¹¹ M.I. Juliansyahzen et al., 'Sharia, Gender, and Science in the Construction of "Iddah: The Response of Banyumas" Ulamas', *El-Mashlahah* 14, no. 1 (2024): 189–210, <https://doi.org/10.23971/el-mashlahah.v14i1.7917>.

protect themselves from actions that could harm their social reputation, and avoid relationships that contravene Islamic law principles.¹²

Iddah serves several key purposes in Islamic law. First, it prevents confusion regarding lineage (*nasab*), ensuring a clear understanding of a child's biological parentage in the case of pregnancy. Second, iddah provides women with a period for reflection and adjustment after separation, whether through divorce or the death of a husband, allowing them to transition with peace and deliberation before entering the next stage of life. Third, iddah aims to protect inheritance rights, preserving the entitlements of any children from previous marriages. It also seeks to uphold women's financial and social rights, safeguarding them from potential loss or injustice during this transition period.¹³

During iddah, women are also expected to maintain personal dignity, which may include staying within the home unless there is a valid reason to leave and refraining from social interactions that could harm their reputation.¹⁴ This is done to preserve the woman's dignity and eliminate any doubt regarding her social status and morality within society. However, despite the fundamental purpose of iddah, its application can present challenges, especially for women who are professionally active and engaged in a dynamic social life. For career women, the iddah period often poses a significant challenge as it may require them to curtail their professional commitments, which can in turn affect career advancement and economic stability.¹⁵

In this context, career women may feel constrained by iddah rules that limit their participation in public life during the waiting period.¹⁶ The primary challenge lies in the conflict between religious obligations and professional responsibilities. For instance, many women hold prominent roles within their organizations, and limiting their presence in the workplace during iddah can affect their professional trajectory, leading to missed promotions or loss of career opportunities. Additionally, many workplaces do not have policies in place to accommodate this situation, which makes it difficult for career women to fulfill religious obligations while meeting professional demands.¹⁷

¹² S. Jannah and D.H. 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>.

¹³ A. Aykul, 'Iddah of Man in İslamic Family Law', *Mutefekkir* 9, no. 18 (2022): 431–53, <https://doi.org/10.30523/mutefekkir.1219572>.

¹⁴ R.F. Ayu, 'Iddah Wanita Hamil Karena Zina Menurut Hukum Islam Dan Hukum Positif', *El-Ussrah* 4, no. 1 (2021): 216–43, <https://doi.org/10.22373/ujhk.v4i1.10097>.

¹⁵ M. Nurohim, Y.H. Pasaribu, and Asmaiyani, 'The Relationship Between A Wife's Satisfaction In The Iddah Period With Marriage And Divorce', *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 21, no. 2 (2021): 208–18, <https://doi.org/10.30631/alrisalah.v21i2.778>.

¹⁶ Mhd Yadi Harahap, 'Dispute Resolution of Marriage Cancellation through Religious Court Decisions in Indonesia', *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 5, no. 2 (7 December 2022): 111–29, <https://doi.org/10.30659/jua.v5i2.22473>.

¹⁷ Erfan Shofari Sholahuddin and Ahmad Fatoni, 'Iddah Wanita Karir Perspektif Tafsir, Hadits dan Kompilasi Hukum Islam Dalam Pembaharuan Hukum Keluarga', *As-Sakinah: Jurnal Hukum Keluarga Islam* 2, no. 1 (31 May 2024): 72–86, <https://doi.org/10.51729/sakinah21665>.

The basis for the iddah rule lies in the Qur'an and hadith, which address women's rights following separation. However, challenges arise because Islamic law, which was designed with specific historical and social contexts in mind, may not fully align with the complexities of modern professional life. Many women face the dilemma of adhering to religious commands while striving to maintain the careers they have worked hard to build. Furthermore, some workplaces do not accommodate the unique needs of Muslim women observing iddah, creating challenges in daily practice. In this context, the application of iddah for career women presents an issue that requires careful consideration. For some women, the obligation to refrain from work or limit social engagement during iddah may impact their financial stability and career progression. Thus, there is a need to re-evaluate iddah regulations with a more flexible approach that acknowledges the needs of career women in today's world while upholding the core objectives of Islamic law. This approach should strive to balance respect for religious obligations with sensitivity to the realities of modern socio-economic life.¹⁸

The impact of iddah on women's lives

Iddah, as a mandated waiting period for women following the divorce or death of their husbands, has a meaningful positive impact within the context of women's lives overall. One of the most fundamental benefits of iddah is the protection of lineage, or *nasab*. The iddah period ensures there is no uncertainty about the paternity of any child potentially born after the divorce or the husband's death, thereby safeguarding children's rights to inheritance and family identity.¹⁹ Additionally, iddah provides women the opportunity to reflect, heal, and emotionally prepare themselves before moving forward with a new phase of life. On another front, the iddah period is also intended to uphold women's honor and dignity, as they are not permitted to remarry during this time. From a societal perspective, iddah serves as a protection against hasty remarriages, which could negatively affect women emotionally, financially, and socially.²⁰

While the positive impacts of iddah cannot be overlooked, the challenges women face in observing it are also real, especially within the modern context. Many women experience a dual burden, managing the emotional challenges of separation while also striving to maintain their social and financial stability. Social realities demonstrate that in many countries, particularly those that strictly implement Islamic law, women who divorce or are widowed often feel constrained by the iddah rules. In Indonesia, for instance, women may face social pressure to limit their interactions or work activities during iddah, which can worsen their economic situation if they cannot continue

¹⁸ Nanang Saprudin, Sayehu, and Usman Musthofa, 'Rukhsah, Iddah dan Wanita Karier', *Jurnal Ilmiah Ahwal Syakhshiyah (JAS)* 6, no. 1 (7 May 2024): 69–82.

¹⁹ Abdul Qodir Zaelani, Syamsul Hilal, and Abdul Hanif, 'Joint Property Inheritance Distribution Practiced by Community of Bandar Lampung', *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 5, no. 1 (12 January 2022), <https://doi.org/10.30659/jua.v5i1.15561>.

²⁰ S. Hilal and S.M. Harahap, 'Iddah in the View of Islam and Feminists', *Al-'Adalah* 18, no. 2 (2021): 213–32, <https://doi.org/10.24042/adalah.v18i2.8515>.

working or participating in their regular activities.²¹ Based on research by Ismail (2023), many career women report feeling disadvantaged during iddah, particularly those in professions that require high levels of social interaction or mobility.²²

The most evident social impact of iddah is its potential to inhibit women's career growth and economic stability. A study by White and Goriss-Hunter (2021) on women's career development at regional Australian universities found that women undergoing separation or divorce often struggle to maintain their careers, especially when religious or social rules, such as iddah, limit their ability to work freely.²³ In fact, Carr et al. (2019) found that women who return to work after the iddah period frequently face social stigma, both from colleagues and society, which can view them differently.²⁴

Moreover, a lengthy iddah period can complicate women's adaptation to new social roles. In today's broader context, women's roles in modern society extend beyond domestic duties to include significant contributions in education, healthcare, and economic sectors. Working women often contribute financially to their households, affecting their own and their family's standard of living and overall well-being. Consequently, when women observe iddah, which limits them from working or participating in social activities, it may negatively impact their financial and social conditions. Research by Pomahiya et al. (2022) shows that many career women feel burdened by the choice between fulfilling religious obligations and sustaining their careers, particularly if they are primary income earners.²⁵

Another challenge is the change in social and psychological status during iddah. Some women report feeling isolated or marginalized, unable to engage in regular activities or socialize with friends and family as they normally would. This can lead to adverse psychological effects, such as depression or anxiety. A study by Sholihuddin et al. (2024) found that women observing iddah often feel lonely and lack social support, ultimately affecting their mental well-being.²⁶

Despite these challenges, it is encouraging that policy changes accommodating the needs of career women are emerging in various countries and regions. For example, in countries with more flexible *sharia* interpretations, efforts are underway to adapt iddah rules to be more supportive of working women while still respecting core Islamic law principles. Some Middle Eastern countries, such as the United Arab

²¹ M. Ali, S. Sariroh, and Rumawi, 'Social Construction of Widow's Marital Rights without Finishing Waiting Period (Idah) in Indonesia', *Studia Iuridica Lublinensia* 30, no. 5 (2021): 13–28, <https://doi.org/10.17951/sil.2021.30.5.13-28>.

²² Marzuki and Diana, 'Reconstruction of Iddah Career Women from the Perspective of Compilation of Islamic Law and Kyai Husain Muhammad'.

²³ Kate White and Anitra Goriss-Hunter, 'Womens' Career Progression in an Australian Regional University', *Frontiers in Sociology* 6 (8 November 2021), <https://doi.org/10.3389/fsoc.2021.742287>.

²⁴ Ksenia Keplinger and Andria Smith, 'Stigmatization of Women in the Workplace: Sources of Stigma and Its Consequences at the Individual, Organizational and Societal Level', in *Diversity in Action*, ed. Marina Latukha (Emerald Publishing Limited, 2022), 23–38, <https://doi.org/10.1108/978-1-80117-226-420221003>.

²⁵ Pomahiya, Kasim, and Bakung, 'Legal Consequences of Marriage During Iddah Period Based on Compilation Islamic Law'.

²⁶ Sholihuddin, Jazil, and Ni'am, 'Remarriage in The 'Iddah Perspective of Maqāṣid Al-Ushrah'.

Emirates and Qatar, have introduced policies allowing career women to remain employed during iddah under conditions that maintain their honor and comply with religious provisions. These developments suggest that Islamic law, in a more adaptable framework, can meet the evolving needs of society and provide better protection for women.²⁷ While iddah is founded on the honorable intentions of protecting women's lineage, dignity, and inheritance rights, significant challenges persist for career women actively participating in modern society. Consequently, reconstructing or adjusting iddah policies with a more flexible approach, aligned with Islamic law principles, is essential to ensure women's welfare and promote gender equality in the workplace.

Diverse jurisprudential perspectives on the iddah period

The differences of opinion regarding the iddah period among *fiqh* scholars highlight the dynamic nature of Islamic law, shaped by the interpretation of sacred texts and evolving social conditions. Iddah is a waiting period for women after a divorce or the death of a husband, and *fiqh* scholars offer varying views on the duration of iddah and its application in specific circumstances. According to Imam Abu Hanifah (of the Hanafi *madhhab*), the iddah period for divorced women lasts for three menstrual cycles, known as *quru*, calculated based on the menstrual cycle. This interpretation seeks to eliminate any uncertainty regarding pregnancy and the legitimacy of any child. In this view, iddah primarily serves to establish *nasab* rights and to ensure clarity in post-separation relationships.²⁸

Meanwhile, Imam Malik (of the Maliki *madhhab*) provides a more flexible perspective by permitting a shortened or modified iddah for women who are not menstruating, such as those who are pregnant or post-menopausal. This approach accounts for exceptional cases and reflects a more adaptable understanding of women's circumstances. Imam Shafi'i (of the Shafi'i *madhhab*) similarly mandates a three-month waiting period for divorced women but adds a stipulation for pregnant women: the iddah lasts until the child is born, regardless of whether three menstrual cycles have already passed. This view underscores the importance of protecting the woman's dignity, and although the interpretations vary, each aligns with the overarching purpose of iddah — to protect lineage, inheritance rights, and personal dignity.

Conversely, Imam Ahmad bin Hanbal (of the Hanbali *madhhab*) emphasizes biological conditions in determining the iddah period, suggesting that it be based on pregnancy and nursing duration for women who are not menstruating, such as those who are older. Here, the woman's physical condition is integral to calculating iddah.²⁹

²⁷ A. Khoiri and A. Muala, "Iddah and Ihdād for Career Women from Islamic Law Perspective", *Journal of Islamic Law* 1, no. 2 (2020): 256–73, <https://doi.org/10.24260/jil.v1i2.71>.

²⁸ Ahmad Zamzam Saefi, "Iddah Dalam Mazhab Fiqih Dan Perundangan Indonesia", *El-Faqih : Jurnal Pemikiran Dan Hukum Islam* 9, no. 1 (15 July 2023): 126–41, <https://doi.org/10.58401/faqih.v9i1.963>.

²⁹ Muhamad Mustahal, "Problematika Peralihan 'Iddah Dalam Tradisi Ulama Fikih", *An-Nawa: Jurnal Studi Islam* 3, no. 1 (2021): 73–94, <https://doi.org/10.37758/annawa.v3i1.169>.

In the modern era, numerous contemporary scholars have revisited the application of the iddah period. Dr. Yusuf al-Qaradawi, a prominent scholar, has proposed that the iddah rule could be applied more flexibly, particularly for women who work and face socio-economic challenges. He argues that the purpose of Islamic law is to promote the public interest (*maslahah*), and if a regulation such as iddah restricts a woman's ability to meet her socio-economic needs in today's context, adaptations are permissible.³⁰ Qaradawi posits that, in certain cases, women with established careers could be allowed to continue working during the iddah period, provided they uphold principles of honor and purity.³¹

Maqashid sharia in Najmuddin Thufi's thought

In the concept of maqashid sharia, the primary goal of Islamic law is to secure benefits, which means maintaining the general welfare and preventing harm for both individuals and society. This concept places Islamic law as a dynamic system, adhering not only to literal texts but also to the underlying goals and wisdom of Islamic law rules. The five main objectives protected in maqashid sharia are religion, life, intellect, lineage, and property. According to Najmuddin Thufi, *maslahah* is the most important consideration in determining legal rulings, especially in situations not explicitly covered by the Qur'an or Hadith.³²

Najmuddin Thufi introduced a more progressive approach to legal determination, emphasizing that *maslahah* must be a decisive factor in addressing new situations that lack clear legal guidance from religious texts. Although Islamic law is fundamentally based on the Qur'an and Hadith, Thufi argued that the benefit of society, particularly in a modern context, can justify re-evaluating certain applications of these rules. Thufi emphasized that Islamic law is not rigid but flexible and contextual, provided that its core principles are upheld. His approach to maqashid sharia is unique compared to other scholars, particularly for its emphasis on *maslahah* as the foundation for legal determination.³³

Distinctive features of Thufi's approach to maqashid sharia include the following: the *first* is emphasis on *maslahah* as the main principle. Thufi prioritizes *maslahah* over textual evidence in situations where the text may conflict with the public interest. In cases where there is tension between Islamic law texts (*nash*) and community welfare, Thufi argues that *maslahah* should serve as the primary basis for

³⁰ Linda Firdawaty et al., 'Yusuf Al-Qardhawi's Perspective of Ihdad and Its Relevance to Career Women's Leave Rights in Bandar Lampung', *Jurnal Ilmiah Al-Syir'ah* 21, no. 2 (20 December 2023): 211–23, <https://doi.org/10.30984/jis.v21i2.2343>.

³¹ Parmujianto Parmujianto, 'PERSPEKTIF HUKUM ISLAM TENTANG IDDAH WANITA KARIER (MENURUT KAJIAN USHUL FIQH)', *Al Yasini: Jurnal Keislaman, Sosial, hukum dan Pendidikan* 5, no. 2 (25 November 2020): 553–663, <https://doi.org/10.55102/alyasini.v5i2.4644>.

³² Lalu Hendri Nuriskandar et al., 'KONTROVERSI KONSEP ISTISHLAHI NAJMUDDIN ATH-THUFI DALAM PENEMUAN HUKUM ISLAM', *Al-Muqararah: Jurnal Perbandingan Mazhab Dan Hukum* 2, no. 1 (27 June 2023): 41–51, <https://doi.org/10.59259/am.v2i1.112>.

³³ Muhammad Habibul Amin and Dhiauddin Tanjung, 'Maqashid Syariah: Perbandingan Antara Pemikiran Al - Ghazali Dan Najmuddin At - Thufi', *El-Mujtama: Jurnal Pengabdian Masyarakat* 4, no. 5 (2 September 2024): 2417–29, <https://doi.org/10.47467/elmujtama.v4i5.3497>.

establishing legal rulings. This contrasts with traditional scholars who typically advocate for strict adherence to Islamic law texts, except in emergencies. For Thufi, the welfare of the community (*ummah*) is the primary goal of Islamic law, and legal flexibility is essential to achieving that goal.³⁴

The *second* is a flexible approach to Islamic law postulates. Thufi is known for his flexible approach to evidence, especially when strictly following the texts does not benefit society. He argued that Islamic law should be dynamic and adaptable to changing social conditions. This approach contrasts with classical scholars who prioritize strict adherence to religious texts, such as the Qur'an and Hadith, without considering the changing nature of society. The *third* is the distinction between *maslahah* and *nash* in cases of conflict. One of Thufi's innovative ideas was distinguishing between *maslahah* and *nash*, particularly in cases of conflict. Thufi argued that, in certain situations, *maslahah* could override *nash* if this would result in greater societal benefit. This stance contrasts with more conservative scholars who prioritize *nash* in all circumstances.

The *fourth* is a focus on general welfare. Thufi's approach to maqashid sharia is strongly oriented toward public welfare. He argued that Islamic law should serve the broader community's interests and should not impede social development or progress. For example, in cases such as the rules of iddah, Thufi would consider the benefits for modern career women and suggest that iddah law could be reconstructed to better meet contemporary needs, as long as Islamic law principles are maintained. The *fifth* is the integration of *maqashid* theory with social reality. Thufi believed that maqashid sharia should always be relevant to the changing social context. This belief positioned him as a progressive scholar who viewed Islamic law as a living legal system capable of adapting to social, economic, and political developments. In summary, Thufi's approach allows for greater adaptability and flexibility in Islamic law than the more literal and rigid interpretations by scholars who adhere strictly to the religious texts. For Thufi, *maslahah*, or benefit, is the main foundation of legal rulings, positioning him as a pioneer in advocating for a contextual and relevant understanding of Islamic law.³⁵

Iddah for career women in Najmuddin Thufi's perspective

The iddah rule, which mandates a waiting period for women after divorce or the death of their husbands before they can remarry, was originally established with the goals of preserving lineage (*nasab*), respecting the previous marriage, and allowing women time to reflect and adjust following separation. However, in the modern context—particularly for career women who are actively engaged in the workforce—strict restrictions during the iddah period often present challenges economically and socially. Thufi's perspective, which prioritizes public benefit (*maslahah*), opens the possibility for reinterpreting iddah rules to align more closely with contemporary needs. For women who play active roles in the

³⁴ Idaul Hasanah, 'KONSEP MASHLAHAH NAJAMUDDIN AL-THUFI DAN IMPLEMENTASINYA', *Ulumuddin Journal of Islamic Legal Studies* 7, no. 1 (2011), <https://doi.org/10.22219/ulumuddin.v7i1.1311>.

³⁵ Rusdaya Basri, 'PANDANGAN AT-TUFI DAN ASY-SYATIBI TENTANG MASLAHAT (Studi Analisis Perbandingan)', *DIKTUM: Jurnal Syariah Dan Hukum* 9, no. 2 (9 July 2011): 176-86, <https://doi.org/10.35905/diktum.v9i2.290>.

workforce, limitations on professional activities during iddah can lead to negative impacts, including loss of income, career setbacks, and unwanted psychological and social repercussions. Therefore, Thufi's approach provides a foundation for a more adaptive interpretation of iddah without compromising core Islamic law principles.³⁶

Thufi also emphasized that Islamic law must serve to maintain justice and balance between religious demands and the practical needs of daily life. Applying more flexible iddah rules for career women does not signify a breach of Islamic law; rather, it is a means to ensure that Islamic law remains relevant in safeguarding the interests of society in diverse contexts. For instance, a reinterpretation of iddah could include policies that allow career women to continue working during this period, as long as they uphold the principles of honor and spiritual observance.

In his work *maqashid sharia*, Thufi established the principle of *maslahah* on four fundamental premises. These premises include:³⁷

1. Independence of mind in recognizing advantages and disadvantages

اسْتِقْلَالُ الْعُقُولِ بِإِدْرَاكِ الْمَصَالِحِ وَالْمَقَابِدِ

2. Interest is a legal guide independent of the texts

الْمَصْلَحَةُ دَلِيلٌ شَرْعِيٌّ مُسْتَقِلٌّ عَنِ النُّصُوصِ

3. The field of interest is transactions and contracts, not acts of worship

مَجَالُ الْعَمَلِ بِالْمَصْلَحَةِ هُوَ الْمُعَامَلَاتُ وَالْعَادَاتُ دُونَ الْعِبَادَاتِ

4. Interest is the strongest evidence of the *sharia*

الْمَصْلَحَةُ أَقْوَى أُدْوَى الشَّرْعِ

It would be beneficial to consider al-Thufi's ideas within the framework of *maqashid sharia* to avoid a rigid interpretation of the required length of the iddah period. In a hadith narrated by Jabir ibn Abdullah, it is stated: Following her divorce, my aunt expressed a desire to go to her garden to harvest dates, which she intended to sell. A male relative then reprimanded her for leaving the home during the iddah period, prompting her to seek guidance from the Prophet (SAW). He responded:

"You can collect dates from your garden. It is possible that the proceeds from the sale of dates could be used to perform good deeds and make charitable donations" (Saheeh Muslim, Book of al-Thalaq).³⁸

This hadith illustrates that the Prophet permitted women to engage in economic activities during the iddah period; she was allowed to harvest dates and sell them in the market and even to donate *sadaqah* to those in need, which involved interaction with the wider community.

³⁶ Marzuki and Diana, 'Reconstruction of Iddah Career Women from the Perspective of Compilation of Islamic Law and Kyai Husain Muhammad'.

³⁷ Najm al-Din al-Tufi, *The Abbreviation of Al-Rawdah Al-Bulbul in the Principles of Jurisprudence* (Beirut: Dar al Kutub al Ilmiyah, 2010); Najm al-Din al-Tufi, *Sharh Mukhtashar Al-Rawdah*, 3rd ed. (Beirut: Muassasah al-Risalah, 1998) p. 207-214

³⁸ Imam Muslim bin Al-Hajjaj Muslim, *Shahih Muslim Lil Imam Muslim* (Beirut: Dar al Kutub al Ilmiyah, n.d.) Vol. 2.

Thufi's perspective highlights the flexibility of Islamic law, showing that it can evolve as social contexts change, provided that the fundamental principles of Islamic law are upheld. Thufi proposed that every law should be assessed based on its impact on the public good, and if a rule results in more harm than benefit, adjustments should be made in accordance with maqashid principles. In other words, laws should not burden society excessively and should always aim to achieve the public good while fairly protecting the rights of individuals and communities.

According to Al-Thufi's view, if a strict interpretation of iddah (such as requiring a woman to stay at home and refrain from professional activities) creates significant difficulties—such as economic hardship, social isolation, or psychological stress—reconsidering the application of this rule may be justified. For example, a career woman who depends on her income may face financial instability if she is prevented from working during iddah. From Al-Thufi's perspective, the principle of *maslahah* would allow for exceptions or modifications to prevent economic hardship and to ensure the woman's well-being, aligning with the broader objectives of Islamic law. His approach thus supports a more adaptive and context-sensitive application of iddah, harmonizing traditional values with the realities of contemporary life.

Conclusion

This study concludes that the provisions of iddah for career women should be reinterpreted using the maqashid sharia approach based on Najmuddin Thufi's ideas. Traditionally, iddah serves to ensure a woman's honor, prevent confusion of *nasab*, and allow time for grieving or reflection after the divorce or death of a husband. However, as women's social and economic roles evolve—especially in the professional sphere—the conventional application of iddah may no longer align with the needs and conditions of career women. Within the framework of maqashid sharia, which prioritizes the benefit (*maslahah*) of the community (*ummah*), this reinterpretation suggests that Islamic law, in this case iddah, should adapt to modern social dynamics without neglecting its core purposes. This reinterpretation emphasizes flexibility in determining the iddah period, accommodating women's economic and professional needs while also considering their psychological and social conditions post-divorce. Flexibility in the duration of iddah is particularly relevant in situations where women do not have children or meet specific criteria allowing them to return to work without risking confusion of *nasab*. This approach not only preserves the essence of Islamic law but also promotes a broader benefit: the welfare of women as they pursue their professional and social lives. In sum, this study contributes meaningfully to discussions on the relevance of Islamic law within contemporary social contexts, proposing adaptive solutions for challenges faced by career women today while upholding the foundational principles of maqashid sharia.

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