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## Time-Related Rulings in *Fiqh Munakahat*: A Contemporary Integration of Astronomical and Jurisprudential Analysis

**Abstract:** This study examines time-related rulings in *Fiqh Munakahat* (Islamic family law), focusing on key provisions such as *iddah* (waiting period after divorce or death), *baligh* (age of maturity), *hadlanah* (child custody), and *radla'ah* (breastfeeding period). Although these rulings are normatively based on the lunar (*qamariyah*) calendar, their implementation in Indonesia often relies on Gregorian approximations, leading to inconsistencies in legal outcomes—particularly in matters of remarriage, inheritance, and personal status. Using a qualitative library-based approach, this study integrates classical fiqh sources with astronomical computation (*Ilmu Falak*) and judicial case analysis from Indonesian Religious Courts. The integration is conducted by converting Gregorian-based legal timeframes into hilal-based lunar calculations and comparing the outcomes with statutory norms such as the Compilation of Islamic Law (KHI). This method highlights practical and doctrinal mismatches not addressed in prior studies, especially regarding standardizing *iddah* durations. The findings demonstrate that Gregorian approximations often arbitrarily extend or shorten legal periods, undermining legal certainty and compliance with Islamic jurisprudence. By contrast, lunar-based reckoning offers higher precision and is more faithful to scriptural mandates. The study recommends revising national legal instruments and court practices to adopt hilal-based time calculations in marital rulings, thus enhancing consistency, legitimacy, and contextual relevance in contemporary Islamic legal systems.

**Keywords:** *Iddah* Calculation, *Fiqh Munakahat* Reform, Hilal-Based Time Reckoning, Ilmu Falak in Islamic Law, Legal Synchronisation.

## INTRODUCTION

*Ilmu Falak* (Islamic astronomy) is fundamental to determining time intervals in Islamic law, affecting both ritual obligations and legal rulings.<sup>1</sup> In Fiqh Munakahat (Islamic family law), precise time reckoning underlies several critical provisions: *baligh* (age of maturity, when an individual becomes legally accountable), *iddah* (waiting period after divorce or spousal death),<sup>2</sup> *hadlanah* (child custody duration),<sup>3</sup> *radla'ah* (breastfeeding period relevant for milk kinship),<sup>4</sup> and *ihdad* (mourning period).<sup>5</sup> Normatively, these intervals follow the lunar (*qamariyah*) calendar, where each month lasts 29 or 30 days depending on crescent sighting (*hلال*).<sup>6</sup> Accurate application of these rules is essential to uphold legal certainty and compliance with scriptural directives.<sup>7</sup>

However, institutions in Indonesia—such as Religious Courts and the Office of Religious Affairs (KUA)—often rely on Gregorian-based approximations or fixed-day conversions (e.g., a flat 90 days for *iddah*) rather than true lunar calculations.<sup>8</sup> As a result, legal determinations may inadvertently shorten or extend prescribed periods, leading to ambiguities in remarriage eligibility, inheritance distributions, maintenance obligations,

<sup>1</sup> Muthi'ah Hijriyati, Karis Lusdianto, Abdulloh Hasan Badrun Taman, "Hilal Dalam Perspektif Tafsir Al-Quran," *Al-Marshad: Jurnal Astronomi Islam Dan Ilmu-Ilmu Berkaitan* 7, no. 1 (June 30, 2021): 14–35.

<sup>2</sup> Muhammad Arafah et al., "Illat and Wisdom in Use Ultrasonography (USG) during Iddah Period," *Mazahibuna*, 2023, <https://doi.org/10.24252/mh.vi.35405>.

<sup>3</sup> Maghfirah Maghfirah, "Marriage with the Transfer of a Nasab Guardian to Teungku Dayah According to Islamic Law," *El-Hadhanah : Indonesian Journal Of Family Law And Islamic Law* 3, no. 2 (2023), <https://doi.org/10.22373/hadhanah.v3i2.1698>.

<sup>4</sup> Sopian Adinata STIS Hidayatullah Balikpapan and Ahmad Rifai STIS Hidayatullah Balikpapan, "Kadar Radha'ah Sebagai Sebab Keharaman Nikah (Studi Komparatif Pendapat Imam Syafi'i Dan Imam Malik)," *Wasathiyah : Jurnal Studi Keislaman* 2, no. 1 (2021).

<sup>5</sup> Yusroh, Haaniyatur Roosyidah, and M. Arif Hakim, "The Comparison of 'Iddah and Ihdad in the Shafi'i and Hanafi School," *Hikmatuna : Journal for Integrative Islamic Studies* 9, no. 2 (2023), <https://doi.org/10.28918/hikmatuna.v9i2.1213>.

<sup>6</sup> Shofiatul Jannah and 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), <https://doi.org/10.18860/j-fsh.v15i2.21065>.

<sup>7</sup> Diana Farid et al., "Harmonizing the Iddah Period for Women Divorced Outside the Court According to KHI and Fiqh Law," *JUSTISI* 10, no. 1 (2023), <https://doi.org/10.33506/jurnaljustisi.v10i1.2455>.

<sup>8</sup> Nurdin, "Persoalan Iddah Dan Ihdad Bagi Wanita Karir," *Tadabbur: Jurnal Peradaban Islam* 3, no. 2 (2021), <https://doi.org/10.22373/tadabbur.v3i2.206>.

and custody decisions.<sup>9</sup> Empirical examples illustrate that mismatches between lunar prescriptions and solar-based practices can undermine marriage contract validity, create rights disputes, and diminish trust in judicial outcomes.<sup>10</sup>

While classical fiqh literature thoroughly articulates normative criteria for these time provisions and separate scholarship exists on astronomical methods, a notable gap remains: the absence of a systematic framework that integrates jurisprudential principles with lunar-calculation techniques in real-world legal practice.<sup>11</sup> Prior analyses treat fiqh and astronomical calculation in isolation, without offering a procedural model for judges or administrative officials to apply in casework.<sup>12</sup> This study addresses that gap by developing an interdisciplinary approach combining doctrinal analysis of classical fiqh texts with practical astronomical computations. The methodology comprises: (1) extracting normative time criteria from fiqh sources; (2) comparing them with existing statutory guidelines and administrative routines; and (3) examining illustrative court cases to reveal how miscalculations arise and their consequences. Astronomical computation employs average-lunar (*hisab urfi*) methods and, where needed, precise calculations (*hisab hakiki*) to establish exact start and end dates for relevant periods. The research uncovers procedural mismatches and their legal impact by juxtaposing true lunar dates with commonly used approximations.

The study seeks to answer the following questions: (1) How are time-related rulings in Fiqh Munakahat currently interpreted and applied in Indonesia? (2) What discrepancies exist between classical jurisprudence, positive law, and practical adjudication regarding

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<sup>9</sup> Via Sa'adah, "Penentuan Quru' Masa Iddah Perceraian," *At-Ta'aruf : Jurnal Hukum Keluarga Islam* 2 (December 24, 2023): 48–60, <https://doi.org/10.59579/ath.v2i2.5936>.

<sup>10</sup> Rahayu Mulia Romadoni, "The Iddah Period as a Reason for Cancellation of Marriage," *Lentera Hukum* 6, no. 2 (2019): 233, <https://doi.org/10.19184/ejil.v6i2.11253>.

<sup>11</sup> Muhammad Hasan, "The Interaction of Fiqh and Science in the Dynamics of Determining the Beginning of the Hijri Month in Indonesia," *Journal of Islamic Law*, 2023, <https://doi.org/10.24260/jil.v4i2.1433>.

<sup>12</sup> Muh. Arif Royyani et al., "Shahadah 'Ilmy; Integrating Fiqh and Astronomy Paradigm in Determining the Arrival of Lunar Months in Indonesia," *Al-Ihkam Jurnal Hukum & Pranata Sosial*, 2022, <https://doi.org/10.19105/al-ihkam.v16i2.5320>.

calendar use? (3) How can *Ilmu Falak* be systematically integrated into legal procedures to enhance accuracy and legitimacy? By addressing these questions, the research contributes theoretically to contextualized Islamic legal discourse—demonstrating the value of astronomical insight in jurisprudence—and practically by proposing procedural guidelines for Religious Courts and KUA. Adopting a *Hilal*-based framework is expected to improve legal certainty, align rulings with scriptural norms, and serve as a replicable model for judicial training and policy reform in Islamic family law.

## METHOD

This study adopts a qualitative approach using library research as the primary method to analyse time-related provisions in *Fiqh Munakahat*. Primary data include classical and contemporary Islamic legal literature, with key sources such as *al-Ahwal al-Syakhshiyah* by Muhammad Abu Zahrah and *Ahkam al-Ahwal al-Syakhshiyah* by Abdul Wahhab Khalaf. This inquiry aligns with legal research traditions that rely heavily on textual sources, allowing the researcher to examine legal norms in depth within their doctrinal and contextual dimensions.<sup>13</sup>

Within this framework, the study also utilises secondary sources, particularly statutory instruments such as Law No. 1 of 1974 on Marriage and the *Compilation of Islamic Law* (Kompilasi Hukum Islam). These secondary materials are essential for understanding the legislative context and enriching the analytical depth of the fiqh-based provisions under study.<sup>14</sup> The normative-astronomical approach employed in this research focuses on the intersection between Islamic legal norms and astronomical determinations of time,

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<sup>13</sup> Yati Nurhayati, Ifrani Ifrani, and M Yasir Said, “Metodologi Normatif Dan Empiris Dalam Perspektif Ilmu Hukum,” *Jurnal Penegakan Hukum Indonesia* 2, no. 1 (2021), <https://doi.org/10.51749/jphi.v2i1.14>.

<sup>14</sup> Muhammad Izzar Damargara, Helza Nova Lita, and Nun Harrieti, “Pemenuhan Syarat-Syarat Zakat Dalam Praktik Zakat Crowdfunding Ditinjau Dari Peraturan Perundang-Undangan Di Bidang Zakat,” *COMSERVA: Jurnal Penelitian Dan Pengabdian Masyarakat* 3, no. 07 (2023), <https://doi.org/10.59141/comserva.v3i07.1042>.

illustrating the critical interplay between jurisprudential doctrines and scientific methodologies such as *Ilmu Falak*.<sup>15</sup>

The study's data collection involved document analysis, interviews, and focus group discussions (FGDs) with Islamic law scholars and practitioners. Document analysis facilitated the exploration of existing legal decisions, while interviews and FGDs provided contemporary insights into applying Islamic legal principles in practice.<sup>16</sup> The data analysis process followed a systematic structure comprising editing, coding, and tabulation, which are integral components of qualitative research to ensure the validity and relevance of the findings.<sup>17</sup> An inductive-deductive method was employed to identify patterns in the data, draw general conclusions, and test the validity of time-related rulings in light of astronomical principles.<sup>18</sup> Comparative legal analysis was also utilised to examine differing scholarly opinions within the Islamic legal tradition and various legal frameworks, thereby offering a comprehensive understanding of the diverse interpretations of time regulations within *Fiqh Munakahat*.<sup>19</sup> This methodological approach is expected to generate findings that are theoretically significant and practically applicable in the administration of Islamic family law in Indonesia.

## RESULTS AND DISCUSSION

### Jurisprudential Time Provisions in Fiqh Munakahat

<sup>15</sup> Eka Eka and Mubayinatul Lafdiyah, "Konsep Al-Ba'ah Bagi Penderita Luka Batin Masa Kecil/Wounded Inner Child Menurut Fikih Munakahat Mazhab Syafi'i," *El 'Aailah: Jurnal Kajian Hukum Keluarga* 2, no. 1 (2023), <https://doi.org/10.59270/aailah.v2i1.140>.

<sup>16</sup> Hendra Karunia Agustine and Yadi Supriyadi, "Tinjauan Fikih Munakahat Terhadap Pandangan Generasi Z Mengenai Kafa'ah Dalam Pernikahan," *Al Mashalih - Journal of Islamic Law* 4, no. 1 (2023), <https://doi.org/10.59270/mashalih.v4i1.173>.

<sup>17</sup> Nurhayati, Ifrani, and Said, "Metodologi Normatif dan Empiris dalam Perspektif Ilmu Hukum."

<sup>18</sup> Siti Ummi Masruroh et al., "Klasifikasi Mazhab Menggunakan Metode Naïve Bayes (Studi Kasus: Salat)," *Jurnal Edukasi Dan Penelitian Informatika (JEPIN)* 8, no. 1 (2022), <https://doi.org/10.26418/jp.v8i1.51418>.

<sup>19</sup> Arisman Arisman, Adi Harmanto, and Ariyadi Ariyadi, "Analisis Komparatif Pemikiran Muhammad Syahrur Dan Peraturan Perkawinan Irak Pasal 3 Ayat 4-5 Tahun 1963," *Al Qalam: Jurnal Ilmiah Keagamaan Dan Kemasyarakatan* 17, no. 5 (2023), <https://doi.org/10.35931/aq.v17i5.2428>.

In the study of *Fiqh Munakahat*, time-based provisions play a vital role in determining various legal aspects of marriage and family. These provisions include the age of maturity (*baligh*), the duration of child custody (*hadlanah*), the waiting period (*iddah*), the mourning period (*ihdad*), and the breastfeeding period (*radla'ah*). Each has a distinct legal basis in classical Islamic jurisprudence and Indonesia's *Compilation of Islamic Law* (Kompilasi Hukum Islam/KHI). This study aims to analyse the divergences and convergences in these time-based rulings and explore their implications for family law practice in Indonesia.

The age of *baligh* is one of fiqh literature's most frequently discussed topics.<sup>20</sup> According to the Shafi'ī, Ḥanbalī, and Abu Yusuf (Ḥanafī) schools, maturity is reached at 15 lunar years. In contrast, Malikī scholars set the age at 18 lunar years.<sup>21</sup> Some opinions further distinguish between males and females, stipulating 18 lunar years for boys and 17 for girls. Although the KHI does not explicitly mention the age of *baligh*, it defines adulthood as 21 years, referencing legal adulthood in the context of marriage and civil rights using the Gregorian calendar. This reflects a notable divergence between classical jurisprudence, which relies on the lunar calendar, and Indonesia's prevailing positive legal norms.<sup>22</sup>

The provision of *hadlanah*—the period during which a child is under maternal care—also varies among legal schools.<sup>23</sup> The Ḥanafī school sets the age limit for boys at seven years and for girls until maturity, estimated at nine years if the custodian is neither the mother nor grandmother. Other schools, such as Malikī, Shafi'ī, and Ḥanbalī, offer

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<sup>20</sup> Ibnu Amin et al., "The Concept of Baligh Perspective of Fiqh and Positive Law," *Al-Istinbath : Jurnal Hukum Islam* 7, no. 2 (2022), <https://doi.org/10.29240/jhi.v7i2.5268>.

<sup>21</sup> Ahmad Ropei et al., "Managing Baligh In Four Muslim Countries: Egypt, Tunisia, Pakistan, and Indonesia on the Minimum Age for Marriage," *Al-Ahwal* 16, no. 1 (2023), <https://doi.org/10.14421/ahwal.2023.16106>.

<sup>22</sup> Mizar Aulia, "Kajian Fikih Kontemporer: Ruang Lingkup Dan Urgensitas Di Era Modernisasi," *Jurnal AlNadhair* 2, no. 2 (2023), <https://doi.org/10.61433/alnadhair.v2i2.36>.

<sup>23</sup> Nispul Khoiri and Adelina Nasution, "Ḥaḍānah Conflict Resolution through Litigation: Analysis of Sharia Court Decisions in Aceh," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 2 (2022), <https://doi.org/10.18326/ijtihad.v22i2.177-198>.

differing stipulations.<sup>24</sup> The KHI, however, stipulates that custody remains until the child reaches discernment (*mumayyiz*), which it defines as 12 years of age.<sup>25</sup> This difference again highlights the divergence between classical fiqh and Indonesian positive law, particularly with the KHI's reliance on Gregorian rather than lunar reckoning.<sup>26</sup>

The *iddah* period, whether for a woman whose husband has died or who has been divorced,<sup>27</sup> also shows significant differences between classical jurisprudence and the KHI. Classical fiqh stipulates an *iddah* of four months and ten days for widows, and three lunar months for divorced women who are not pregnant and have consummated the marriage.<sup>28</sup> Though not directly referencing lunar months, the KHI calculates the duration in days, 130 days for widows and 90 days for divorcees. Similarly, the *ihdad* period (mourning) for widows is equated with the *iddah* duration of four months and ten days.<sup>29</sup> These distinctions reflect the KHI's attempt to contextualise classical rulings within the socio-cultural realities of Indonesian society.<sup>30</sup>

The breastfeeding period (*radla'ah*) in classical fiqh is set at a full two lunar years (24 months), and this provision is directly linked to the child's right to breast milk and prohibitions concerning milk kinship. This study finds that time provisions in *Fiqh Munakahat* are strongly rooted in lunar-based jurisprudence, though the implementation

<sup>24</sup> Naimah Mohamad Nasir, Najibah Mohd Zin, and Miszairi Sitiris, "The Implementation Of Ḥaḍānah In Malaysian Shari'ah Court: A Literature Review," *Malaysian Journal of Syariah and Law* 9, no. 2 (2021), <https://doi.org/10.33102/mjsl.vol9no2.335>.

<sup>25</sup> Wandri Sulya Putra, "The Bimbingan Keagamaan Bagi Remaja Guna Peningkatan Pemahaman Fikih Ibadah," *Scientia: Jurnal Hasil Penelitian* 7, no. 1 (2022), <https://doi.org/10.32923/sci.v7i1.1711>.

<sup>26</sup> Muhammad Norhadi, "Relasi Iman Dan Fikih," *ElMashlahah* 9, no. 1 (2019): 62 – 75, <https://doi.org/10.23971/el-mas.v9i1.1354>.

<sup>27</sup> M I Sarhan, "Rulings on Iddah in Islamic Sharia: A Jurisprudential Study," *Migration Letters* 20 (2023).

<sup>28</sup> Hendri Kusmidi, "Reaktualisasi Konsep Iddah Dalam Pernikahan," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 4, no. 1 (2018): 33–42, <https://doi.org/10.29300/mzn.v4i1.1007>.

<sup>29</sup> Khairiyatin Khairiyatin, "Ihdad Perspektif Hadis Dan Eksistensinya Di Era Society 4.0," *El Nubuwwah: Jurnal Studi Hadis* 1, no. 1 (2023), <https://doi.org/10.19105/elnubuwwah.v1i1.8400>.

<sup>30</sup> Jamhuri and Izzudin Juliara, "Penggabungan Iddah Wanita Hamil Dan Kematian Suami (Analisis Terhadap Pendapat Mazhab Syafi'i)," *Samarah* 1, no. 1 (2017): 226–47, <https://doi.org/10.22373/sjkh.v1i1.1581>.



often diverges between classical fiqh and the KHI. This is particularly evident in the calculation of the *iddah* and *radla'ah* periods, where the KHI favours daily reckoning, while classical fiqh adheres to the lunar calendar beginning with the *hilal* (new moon) (Fatmah, 2018; Juairiah, 2024).

Regarding *iddah*, scholars differ on the extent of restrictions placed upon women during this period. Some studies show that women are subject to specific limitations, including restrictions on employment. However, certain contemporary interpretations allow women in professional settings to continue working during *iddah*, provided they adhere to religious ethics and maintain personal dignity. This reflects the dynamic interplay between traditional fiqh and the social realities Muslim women face in Indonesia. The *ihdad* period also garners scholarly attention. During *ihdad*, widows are traditionally prohibited from remarrying and from adorning themselves. Research shows that women's understanding of *ihdad*, particularly those engaged in trade, is often shaped by their socio-economic circumstances. Economic necessity sometimes compels women to leave their homes and continue working despite religious injunctions, revealing tensions between legal ideals and lived realities.

The KHI seeks to accommodate classical fiqh within Indonesia's positive legal system with contemporary social conditions. For example, it calculates *iddah* in terms of days rather than months, reflecting the more widespread use of the Gregorian calendar in civil administration. This demonstrates how Islamic law in Indonesia is evolving in response to societal changes, while attempting to maintain fidelity to core fiqh principles.<sup>31</sup> Furthermore, this research finds that the application of time-based legal provisions varies among cultural communities. In Bugis society, for instance, local customs influence the understanding and implementation of *iddah* and *ihdad*. These findings highlight the

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<sup>31</sup> Zulifikri Zulifikri and Fauziah Lubis, "Analysis of the Mourning Period (Ihdad) in the Compilation of Islamic Law Based on Sheikh Arsyad al-Banjari's View," *JURNAL ILMIAH MIZANI: Wacana Hukum, Ekonomi, Dan Keagamaan* 10, no. 1 (2023), <https://doi.org/10.29300/mzn.v10i1.10065>.



importance of local wisdom in shaping legal practice, showing that Islamic law does not operate in a vacuum but is deeply embedded within a cultural context.<sup>32</sup>

In conclusion, this study illustrates the high degree of complexity in the time-related rulings of *Fiqh Munakahat*, marked by clear divergences between classical Islamic jurisprudence and the Indonesian KHI. While efforts have been made to reconcile traditional doctrine with modern social realities, challenges remain in its practical application. Continued scholarly engagement and empirical inquiry are essential to refine the understanding and implementation of these time-bound legal provisions in contemporary Indonesian.<sup>33</sup>

## **Time Provisions in Fiqh Munakahat from the Perspective of Islamic Astronomy**

### **1. Determining the Age of Maturity (*Baligh*) through the Lens of Islamic Astronomy**

The determination of legal maturity (*baligh*) based on age becomes relevant, particularly when the other physiological signs of maturity—such as *ihtilam* (nocturnal emission) or *menstruation*—have not manifested in an individual. As discussed in the findings section, three different benchmarks for the age of maturity are commonly recognised: 15 years, 18 years, and a differential model assigning 18 years for males and 17 years for females. It is essential to note that the term “year” in this context refers to the *Hijri* (lunar) or *qamariyah* calendar, and not to the *syamsiyah* (solar/Gregorian) calendar.

Accordingly, several important considerations must be taken into account by parents in determining the age of *baligh*, particularly when the typical signs are not observed. Firstly, it is necessary to convert the child’s birth date—typically recorded in Gregorian format on civil documents—into its Hijri equivalent. This conversion is critical

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<sup>32</sup> Jamhuri and Juliara, “Penggabungan Iddah Wanita Hamil Dan Kematian Suami (Analisis Terhadap Pendapat Mazhab Syafi’i).”

<sup>33</sup> Hafidz Syuhud, “Pendapat Imam Malik Tentang Sanksi Bagi Perempuan Yang Menikah Pada Masa ‘Iddah,” *Istidlal: Jurnal Ekonomi Dan Hukum Islam* 4, no. 1 (2020), <https://doi.org/10.35316/istidlal.v4i1.212>.

due to the consistent discrepancy of approximately 11 to 12 days per year between the two calendars. Consequently, by the time a child reaches the age of 15 in the Gregorian system, they will have already surpassed 15 lunar years, thus legally entering the phase of *mukallaf* (one accountable under Islamic law). Neglecting this conversion may result in a delay in the child's assumption of religious and legal responsibilities.

Secondly, the method of calendar conversion must be considered. At least two recognised approaches: the *urfī* method (based on average lunar cycles) and the *hakiki kontemporer* (precise astronomical) method. In the context of age calculation, the difference between these two methods is negligible, as the number of days in a lunar year remains fairly consistent: 354 days in a common year (*basithah*) and 355 days in a leap year (*kabisah*). Therefore, the *urfī* method is generally sufficient for determining legal maturity. For example, a child named Qomar, born in Bengkulu on June 8, 2023 (Gregorian calendar), would reach 15 Gregorian years on June 8, 2038. However, based on the Hijri calendar, the child's 15th lunar birthday would occur earlier due to the 11-day annual difference. Cumulatively, this translates to approximately 165 days. This time difference is legally significant because it marks the child's entrance into *taklif* (legal accountability). Those 165 days of legal responsibility would be overlooked if only the Gregorian calendar were used.

A practical method for determining maturity is first to convert the Gregorian birth date to its Hijri equivalent and then add the appropriate number of lunar years. In the example above, the Gregorian birth date of June 8, 2023, corresponds to 18 Dhu al-Qa'dah 1444 H. Therefore, the 15-year mark would fall on 18 Dhu al-Qa'dah 1459 H. The table below illustrates several variations in determining the age of *baligh* according to different juristic opinions.

## 2. Determining the Upper Age Limit of *Hadlanah* from the Perspective of Islamic Astronomy

*Hadlanah*, or child custody, is regarded as a right of the child from birth under Islamic law. The legal framework governing child custody in Islamic jurisprudence

prioritises the child's best interest. Custody is initially awarded to the mother, unless she is deemed unfit, in which case other family members may be considered eligible. Custody regulations in Islamic law are the product of *ijtihad* (juristic reasoning), and many of the associated rulings are based on assumptions that may be reconsidered in specific social or familial contexts. The duration of *hadlanah* varies across the major schools of Islamic jurisprudence. The Ḥanafī school limits *hadlanah* to seven years of age, with an exception for girls who remain in the care of their mother or grandmother. The Malikī school sets the limit for boys at seven years, whereas it extends until marriage for girls. According to the Shafi'ī school, *hadlanah* lasts until the child reaches the age of seven or eight. The Ḥanbalī school applies a uniform age of seven years for both boys and girls; however, boys are then given a choice of guardian, while girls are returned to the custody of their father. In all of these rulings, age is based on lunar years (*qamariyah*), as Islamic legal provisions are fundamentally grounded in the lunar calendar and its cycle marked by the *hilal* (crescent moon).

The *Compilation of Islamic Law* (KHI) in Indonesia specifies that a child remains under *hadlanah* until reaching the age of discernment (*mumayyiz*), which it defines as twelve years. This reflects an understanding that children require custodial care until they are developmentally prepared to make decisions independently.<sup>34</sup> The diversity of opinions regarding the *hadlanah* period among Islamic schools is also influenced by psychological considerations. These age limits are believed to align with developmental milestones, aiming to foster the child's psychological and emotional well-being during formative years. While, in practice, the age of *hadlanah* may be relative and conditional upon the needs of the individual child and their family circumstances, under normal conditions, an upper age limit can still be prescribed. Based on this principle, jurists have proposed various ages at which *hadlanah* may end. In this regard, *Ilmu Falak* (Islamic astronomy) plays a crucial

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<sup>34</sup> Mohamad Hoirul Anam, 'Konsep Perlindungan Anak Dalam Fiqh Hadlanah Dan Uu No. 23 Tahun 2002 J.O Uu No. 35 Tahun 2014', *MOMENTUM: Jurnal Sosial Dan Keagamaan*, 9.1 (2020) <<https://doi.org/10.29062/mmt.v9i1.67>>.

role in accurately determining the duration of *hadlanah*, ensuring the mother's right to custody is fulfilled following the juristic stipulations.

### 3. Determining the *Iddah* and *Ihdad* Periods from the Perspective of Islamic Astronomy

From Ilmu Falak's (Islamic astronomy) perspective, the *iddah* period is calculated as a specific duration of time expressed in days or lunar months. This study identifies two primary categories of *iddah* relevant to astronomical calculation:

1. The *iddah* of a woman whose marriage ends due to the death of her husband, where she is not pregnant.
2. The *iddah* of a woman whose marriage ends in divorce, where she is not pregnant, has consummated the marriage, and either has not yet menstruated or has reached menopause.

Astronomical methods, particularly *hisab urfī* (average lunar reckoning), enable accurate calculation of these durations according to the *qamariyah* (lunar) calendar. The tables below illustrate how *Ilmu Falak* informs the precise end date of the *iddah* and *ihdad* periods under different scenarios.

### 4. Determining the *Radla'ah* Period from the Perspective of Islamic Astronomy

The *radla'ah* period, or breastfeeding period, is defined in classical Islamic law as a maximum of two complete lunar years. This period has legal implications not only for maternal responsibilities but also for determining milk kinship (*rada'ah*), which affects marital eligibility and familial relationships. Using *Ilmu Falak*, the exact end date of the breastfeeding period can be determined based on the child's date of birth in the Gregorian calendar and its conversion to the Hijri calendar. The table below demonstrates how to calculate the two-year limit using the *hisab urfī* method.

## **Implications of Hilal-Based Time Determination for Judicial Reforms in Islamic Family Law: Reforming the Calculation of *Iddah* and *Ihdad* Periods**

The *iddah* period involves philosophical and normative dimensions, which must be considered in any proposal for reforming its calculation.<sup>35</sup> Philosophically, the wisdom (*hikmah*) behind the *iddah* period includes: (1) honouring the sanctity of marriage and upholding its dignity; (2) providing a window for reconciliation, particularly in cases of revocable divorce, in the hope that the husband might regret his decision and return to his wife; and (3) acknowledging the emotional and legal implications of a marital bond by imposing mourning rituals and prohibitions on adornment.<sup>36</sup> The clarity and legitimacy of the *iddah* duration are therefore crucial for ensuring these underlying objectives are fulfilled.

Normatively, the *iddah* period is directly linked to the rights and obligations of the wife. During this time, she is entitled to maintenance (*nafaqah*) and inheritance, should her husband die while the *iddah* is ongoing.<sup>37</sup> She is also bound by several prohibitions,<sup>38</sup> including the prohibition of accepting marriage proposals, remarrying, or leaving the house unnecessarily.<sup>39</sup> Given these legal implications, precise and valid determination of the *iddah* period is vital for upholding the rights and duties of both spouses.<sup>40</sup> Several judicial cases illustrate the significance of accurately determining *iddah* periods:

<sup>35</sup> Nurdin, 'Persoalan Iddah Dan Ihdad Bagi Wanita Karir', *Tadabbur: Jurnal Peradaban Islam*, 3.2 (2021) <<https://doi.org/10.22373/tadabbur.v3i2.206>>.

<sup>36</sup> Kusmidi, "Reaktualisasi Konsep Iddah Dalam Pernikahan."

<sup>37</sup> Rika Fitriani and Abdul Aziz, "Tinjauan Hukum Islam Tentang Pembebanan Mut'ah Dan Nafkah Iddah Terhadap Suami Yang Murtad (Studi Kasus Putusan Pengadilan Agama Nganjuk No: 1830/Pdt.G/2016/PA.Ngj)," *Samarah* 3, no. 2 (2019): 365–377, <https://doi.org/10.22373/sjhk.v3i2.5242>.

<sup>38</sup> Muhammad Yalis Shokhib, "Dialektika Ihdad Dalam Kompilasi Hukum Islam (Khi) Berdasarkan Asas Proporsionalitas," *Al-Syakhsyiah: Journal of Law & Family Studies* 4, no. 1 (2022), <https://doi.org/10.21154/syakhsyiah.v4i1.4279>.

<sup>39</sup> Hairul Ulum and STIS, "Analisis Komparatif Perspektif KHI Dan Fiqih Imam Syafi'i Tentang Hukum Ihdad Bagi Perempuan," *Qolamuna* 4 (2018).

<sup>40</sup> Erwin Hikmatiar, "Nafkah Iddah Pada Perkara Cerai Gugat," *SALAM: Jurnal Sosial Dan Budaya Syar'i* 3, no. 2 (2016): 131–172, <https://doi.org/10.15408/sjsbs.v3i1.3316>.

### **Case 1: Cancellation of a Marriage Contract by KUA (Religious Affairs Office) During *Iddah***

In Wonogiri Regency, a marriage was officiated by the KUA for a woman who was still undergoing her *iddah* period following the death of her previous husband. The KUA failed to verify the required documents during the marriage registration process. Upon recognising the procedural error, the Head of the KUA petitioned the Religious Court requesting annulment of the marriage contract to correct the woman's legal marital status and restore compliance with Islamic law.<sup>41</sup>

### **Case 2: *Itbat Nikah* for a Widow Who Remarried During Her *Iddah***

In *Decision No. 137/Pdt.P/2018/PA.Bm*, a woman (ESBM), filed for divorce after being abandoned by her husband for two years. The court granted the divorce on October 3, 2002 (*Decision No. 604/Pdt.G/2002/PA.Bm*), but the formal divorce certificate (*Akta Cerai*) was only issued on November 16, 2002. Unaware that the legal effect of divorce began from issuing the certificate, ESBM remarried her current husband (MBMS) on October 23, 2002, during the interim *iddah* period. When the issue was brought before the court, the judge accepted the *itbat nikah* (marriage confirmation) based on three considerations: lack of legal knowledge, the good faith of the parties, and the prioritisation of the child's legal protection. The court recognised that the wife had properly pursued divorce through the court system and had no malicious intent in entering the new marriage.

### **Case 3: Revocation of Marriage Rejection Letter Due to *Iddah* Miscalculation**

In *Decision No. 287/Pdt.P/2017/PA.TA*, a woman identified as W divorced her husband (AM) due to prolonged abandonment and lack of support. The divorce was finalised with a divorce certificate (*No. 1352/AC/2017/PA.TA*) issued on June 20, 2017,

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<sup>41</sup> Pratiwi Selviyanti, "Pengajuan Pembatalan Perkawinan Oleh Kepala Kua Kecamatan Karantengah Kabupaten Wonogiri Perkara Perkawinan Dalam Masa *Iddah* Hamil," *Jurnal Al-Hakim: Jurnal Ilmiah Mahasiswa, Studi Syariah, Hukum Dan Filantropi* 2, no. 1 (2020), <https://doi.org/10.22515/alhakim.v2i1.2497>.

establishing the *iddah* to end on September 20, 2017. W had an intimate relationship with her future husband, S, before her divorce, and became pregnant shortly after. They attempted to register their marriage on September 12, 2017, at the KUA of Kedungwaru District. The KUA denied the application, citing that W was still within her *iddah*, and further justified the refusal based on her pregnancy, extending her *iddah* until childbirth. The case reached the Religious Court, which subsequently revoked the KUA's rejection letter.<sup>42</sup>

From a legal standpoint, this decision raises concerns. First, the reasoning provided by the KUA—that the *iddah* continues until childbirth—was flawed because the original basis of her *iddah* was a divorce involving a non-pregnant woman whose marriage had been consummated and who had ceased menstruating. According to classical *fiqh*, this *iddah* should have lasted three lunar months. Under the KHI, it is calculated as 90 days. In this case, the duration between June 20 and September 20, 2017, spans 93 days, which exceeds both classical and codified limits. Therefore, the court's decision did not align with the jurisprudential or statutory definitions of *iddah*, undermining legal consistency. These cases illustrate that inconsistencies in calculating *iddah* periods—especially the failure to use lunar (*qamariyah*) reckoning—can cause substantial legal confusion. Using 90 days in KHI as a fixed interpretation of three lunar months standardises months at 30 days, ignoring the variable nature of lunar months (29–30 days). Consequently, errors in determining the end of *iddah* may affect the legality of marriages, inheritance rights, and the fulfillment of obligations.

A dialogical review of these cases points to a key recommendation: KUA officials and Religious Court judges must prioritise the legal clarity and accuracy of time-based rulings. Misjudgment in these areas risks producing conflicting legal statuses, particularly regarding the rights and responsibilities of spouses during *iddah*.

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<sup>42</sup> Lukman Santoso and Muhamad Fauzi Arifin, "Terobosan Hukum Hakim Terkait Pencabutan Surat Penolakan Perkawinan Dalam Masa Iddah," *Jurnal Yudisial* 12, no. 3 (2020), <https://doi.org/10.29123/jy.v12i3.331>.



**Table 1: Implications of Lunar-Based Time Calculation for Judicial Decision-Making in Islamic Family Law**

No	Legal Domain	Conventional Practice (Solar-Based)	Lunar-Based Adjustment	Judicial Implications	Example Case
1	Calculation of <i>Iddah</i>	Fixed at 90 or 130 days (Gregorian)	3 lunar months = 88-89 days	Risk of unlawful marriage or inheritance disputes	Case 3: 287/Pdt.P/2017/PA.TA
2	Registration of marriage	Based on civil documents	Requires verification using the Hijri calendar	Invalid marriage registration during <i>iddah</i>	Case 1: KUA Wonogiri error
3	<i>Ihdad</i> enforcement	Based on solar months	Must align with <i>iddah</i> using lunar count	Violation of mourning restrictions	-
4	Judicial rulings and reviews	Gregorian-based calculation	<i>Qamariyah</i> accuracy needed	The legitimacy of the verdict may be questioned	Case 2: 137/Pdt.P/2018/PA.Bm
5	Child custody and rights	Solar age reckoning	Must use lunar age to determine thresholds	Misjudgment in custody duration and inheritance	-

Source: Author's Interpretation

The analysis underscores the need for legal harmonisation that honours the normative essence of *shari'ah* and the precision of astronomical calculation. Future reforms should incorporate *Ilmu Falak* into judicial training and administrative procedures to improve the implementation of Islamic family law.

### Reforming the Calculation of *Iddah* Through the Lens of Fiqh and Astronomy

A reformation of the determination of the *iddah* period—aimed at ensuring both legal clarity and validity—requires a return to the Hijri (lunar) calendar rather than the Gregorian (solar) calendar. The primary reason for adopting the Hijri calendar lies in its astronomical foundation: the *hلال* (crescent moon), which appears consistently at the

beginning of each lunar month, is a natural and observable marker. This visibility ensures that the duration of one month is objectively anchored to a real celestial event, offering both precision and regularity. In contrast, the Gregorian calendar lacks such an astronomical reference. The determination of the beginning of a month in this system is not based on natural phenomena but on an arbitrary civil agreement. As a result, the number of days in Gregorian months varies irregularly—ranging from 28 to 31 days—without an astronomical rationale.<sup>43</sup> This inherent inconsistency diminishes its reliability in Islamic legal timing, especially for sensitive matters like *iddah*.

**Table 2. Comparison of Hijri and Gregorian Calendars in Determining the *Iddah* Period**

No	Comparative Aspect	Hijri Calendar	Gregorian Calendar
1	Start of the Month	Based on the observable crescent moon ( <i>hilal</i> )	No clear astronomical reference point
2	Number of Days per Month	Fixed through lunar cycles (29 or 30 days)	Varies between 28, 29, 30, or 31 days
3	Astronomical Basis	Grounded in empirical lunar observation	Arbitrary, based on civil convention

Source: Author's Interpretation

As the table demonstrates, the Hijri calendar offers a structured and observable basis for monthly calculations, whereas the Gregorian system lacks such grounding. The *Hilal*-based system, therefore, provides greater legal clarity and consistency. In addition to clarity, conformity with Islamic normative texts also favours the Hijri calendar. All religious rulings concerning *iddah*, *ihdad*, *baligh*, and *hadlanah* are linked to lunar reckoning. The Qur'an and Sunnah consistently refer to the lunar calendar, reflecting a deliberate alignment with observable natural phenomena. This reinforces the importance of aligning Islamic legal rulings with the *Qamariyah* system.

<sup>43</sup> Labibah Amil Farah, M. Saifulloh, and Juhanda Roesuldi, 'Studi Komparasi Sejarah Dan Aturan Kalender Tahun Masehi: Julian Dan Gregorian', *AL - AFAQ : Jurnal Ilmu Falak Dan Astronomi*, 4.1 (2022) <<https://doi.org/10.20414/afaq.v4i1.4361>>.

**Table 3. Normative and Astronomical Comparison Between Hijri and Gregorian Time Reckoning**

No	Comparative Aspect	Hijri ( <i>Qamariyah</i> ) System	Gregorian (Solar) System
1	Normative Foundation	Supported by the Qur'an and Sunnah	No direct support in Islamic textual sources
2	Time Calculation Reference	Based on lunar phenomena (appearance of hilal)	Not based on astronomical observation
3	Compliance with Sharī'ah	Fully aligned with scriptural injunctions	Lacks shar'ī legitimacy

Source: Author's Interpretation

The table above highlights the Hijri calendar's superior alignment with normative Islamic law and astronomical accuracy. Therefore, it is the most appropriate method for calculating *iddah* and other time-bound legal rulings in Islamic jurisprudence.

**Table 4. Comparative Overview: Normative and Astronomical Dimensions of *Iddah* Determination**

No	Comparative Aspect	Hijri ( <i>Qamariyah</i> ) Reckoning	Gregorian (Solar) Reckoning
1	Normative Legitimacy (Shar'ī)	Supported by verses of the Qur'an and Hadith	No support from Qur'anic or prophetic texts
2	Astronomical Foundation	Based on lunar observation and hilal appearance	Based on civil agreement and static calendar design

Source: Author's Interpretation

From this analysis, it can be concluded that the Hijri system is superior in its normative and empirical foundations. For this reason, using Hijri reckoning to determine the duration of *iddah* can enhance legal precision and legitimacy. Given the evidence presented, this study recommends that judges in the Religious Courts adopt Hijri lunar reckoning (*hilal*-based) when adjudicating matters related to marital law, especially the calculation of the *iddah* period. This recommendation implies revising the Compilation of Islamic Law (KHI) provisions, which do not explicitly reference the Hijri or Gregorian calendars. KHI assumes a flat 30-day month when calculating *iddah* duration. From an

astronomical perspective, this fixed duration is arbitrary and lacks a natural basis. From a shar'ī perspective, such assumptions are not endorsed by the Qur'an or the Sunnah. Therefore, adopting a *Hilal*-based reckoning offers a more accurate and normatively consistent approach to applying Islamic family law in Indonesia.

## CONCLUSION

The findings of this study indicate that time-related provisions in Fiqh Munakahat—such as the age of maturity (*baligh*), child custody duration (*hadlanah*), waiting periods (*iddah* and *ihdad*), and breastfeeding period (*radla'ah*)—are normatively grounded in the lunar (*qamariyah*) calendar. However, they are often applied with Gregorian or fixed-day approximations in Indonesia's legal practice. Such divergences risk legal uncertainty, for example, by inadvertently permitting remarriage before the end of *iddah* or causing disputes over inheritance and custody rights. This study suggests that integrating *Ilmu Falak* (Islamic astronomy) into legal procedures can improve accuracy and align outcomes with scriptural mandates. However, several limitations must be acknowledged. First, technical challenges exist: not all courts or administrative offices may have ready access to reliable lunar data or personnel trained in astronomical calculation. Second, institutional constraints—such as existing workflows, limited resources, or resistance to procedural change—may slow adoption. Third, social and cultural factors may influence how recommendations are received; local customs, variations in hilal sighting practices, and differing community expectations can affect implementation. Recognizing these constraints helps set realistic expectations and frames the integration effort as an iterative rather than a one-off reform.

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## **AUTHOR CONTRIBUTIONS STATEMENT**

Badrun Taman conceived the research idea, led the drafting of the manuscript, and coordinated the collaboration process. Fatimah contributed to data analysis and theoretical framework development. Friska Linia Sari was responsible for the literature review, data collection, and formatting. Abdul Gafar Olawale Fahm provided comparative perspectives, critical review, and final editing. All authors have read and approved the final version of the manuscript.

## **CONFLICT OF INTEREST**

The authors declare that there is no conflict of interest regarding the publication of this article.

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