

Hadiths on Thalaq and Iddah with Psychological and Theological Normative Approaches

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Abstract	<i>Divorce (talaq) and the iddah period are two very important concepts in Islamic law, with both having a profound impact both theologically and psychologically. The Hadiths governing talaq teach that while divorce is permissible in Islam, it is a step that is hated by Allah and should only be done in very urgent situations, after various attempts to repair the relationship have failed. Likewise, the iddah period, which is obligatory for women who are divorced or whose husbands die, has many wisdoms, including providing an opportunity women to self-reflect and ensure their honor and pregnancy status. This paper aims to analyze the normative theological and psychological dimensions of thalaq and iddah. The normative theological approach discusses the Islamic legal basis for divorce and iddah, the wisdom behind their implementation, and the principles of justice and compassion contained in these teachings. Meanwhile, the psychological approach explores the emotional impact experienced by individuals, including husbands, wives, and children, in the face of divorce. The emotional recovery process required, as well as the importance of social and spiritual support during the iddah period, are also discussed in this article. As such, this article not only provides an understanding of the laws of thalaq and iddah in Islam, but also highlights the importance of emotional and psychological well-being for individuals involved in the divorce process and the iddah period.</i>
Keywords	<i>Talak, Iddah, Psychological, Theological Normative</i>

Introduction

In domestic life, divorce or talaq is an issue that is inevitable in the context of husband- wife relationships. Islam, as a religion that regulates all aspects of the lives of its people, provides guidelines regarding thalaq as something that is permissible but highly hated by Allah. Hadiths that talk about talaq show that divorce is not the first choice, but the last solution after all means to repair the relationship have failed. Therefore, understanding the traditions on talaq requires an in-depth approach, both theologically and psychologically. Thalaq in Islam is not merely a legal matter, but also

encompasses moral, social and psychological dimensions that are of great importance to the individuals involved.

On the other hand, after a divorce occurs, the divorced woman is required to undergo the iddah period, a certain period of time that has been determined by Islamic law. This iddah is not only a legal obligation, but also a time for self-reflection, emotional recovery, and maintaining women's honor. This iddah period provides a space for women to reorganize their lives, calm down, and avoid possible confusion regarding pregnancy status or other issues. The iddah period also serves to give divorced couples a chance to review their decision, and give them time to prepare for a new life. As a crucial period, iddah has a very important meaning in a woman's life after divorce or the death of her husband.

However, in addition to the legal and moral dimensions, these two phenomena-thalaq and iddah-have a significant psychological impact on the individuals involved. Divorce often leaves deep emotional trauma for husbands, wives and children. The emotional process experienced in divorce can create a range of feelings, from loss, to disappointment, to anxiety about the future. These psychological impacts can be long-lasting, even changing the way one views future social and emotional relationships. Meanwhile, for women undergoing iddah, the period is often a time to deal with loneliness, cope with feelings of loss, and restore oneself after a profound separation. By because of it,

With a balanced theological and psychological approach, this article aims to analyze the traditions that discuss thalaq and iddah from a broader perspective. The normative theological approach will reveal the basic legal meaning and wisdom contained in the Islamic teachings on divorce and the iddah period, while the psychological approach will show the emotional and psychological impact experienced by individuals in the process. This will provide a more holistic understanding of how Islam not only regulates the legal relationship between husband and wife, but also cares about the emotional and psychological well-being of its followers, especially women, in the face of such an important event in their lives. As such, this article will not only add to the understanding of the laws of thalaq and iddah in Islam, but also provide insight into the importance of approaching these issues with a more humane and compassionate approach.

Research methods

This study uses a qualitative approach with hadith analysis as the main method. The data used comes from a collection of traditions that discuss thalaq and iddah, taken from reliable hadith sources such as Sahih Bukhari, Sahih Muslim, and other classical sources. The analytical approach is used to explore the normative theological meaning and wisdom contained in the traditions, as well as to interpret the moral and legal values contained therein.

In addition, this research also involved a literature review of various psychological studies relevant to the emotional impact of divorce and the iddah period. This psychological approach examines the psychological aspects faced by individuals in the divorce process, with a focus on emotional recovery and social and spiritual support during the iddah period. Secondary data in the form of books, scientific articles and previous research were used to explore the psychological dimensions of the phenomenon of thalaq and iddah.

Results and Discussion

Thalaq and Iddah in Normative Theological Studies

From a theological perspective, thalaq and iddah contain profound values that are regulated in Islamic law as part of a fair and compassionate process. The hadith stating that divorce is a "halal that Allah hates" contains the teaching that although divorce is permissible, it is still a step that is disliked by Allah and must be done carefully and wisely. Divorce is the final solution after all efforts to repair the husband-wife relationship have been made, such as deliberation or mediation. In this context, talaq is not only a legal matter, but also related to the values of justice and prudence in making decisions that affect the lives of many people, be it husbands, wives, or children.

Meanwhile, the iddah period that is obligatory for women who are divorced or whose husbands die has a very important wisdom. Iddah is not only a legal obligation, but also a form of obedience to Allah that provides an opportunity for women to maintain their honor and dignity. The iddah period also serves as a protective measure, in which a woman is given time to ensure that there is no confusion regarding pregnancy and gives her the opportunity to absorb her feelings, reflect, and recover after a difficult separation. In this sense, iddah plays a major role in maintaining a woman's emotional and spiritual stability after divorce or the death of her husband.

Islam also emphasizes the values of justice and compassion in all aspects of life, including divorce and iddah. The Hadiths governing thalaq and iddah teach that although divorce is permissible, it must be done in a good manner, without any injustice to the spouse. The decision to divorce or not should be based on careful consideration, and the iddah period should not be used to hurt or harm the woman. All of this suggests that while divorce is a legitimate right, it must be exercised with full regard for individual rights, taking into account the feelings and emotional well-being of each party involved.

In Islam, talaq (divorce) and iddah (waiting period) are regulated in the Qur'an and Hadith to maintain social balance and individual rights. Thalaq is the husband's right to divorce his wife, but only as a last resort after attempts to reconcile have been made. Thalaq must be done in a way that is kind and does not hurt the other party.

Iddah is a mandatory waiting period for women who are divorced or whose husbands die, with the aim of ensuring there is no confusion about lineage in the event of pregnancy and as a time for emotional and spiritual recovery. Some verses of the Qur'an that regulate thalaq and iddah:

Surat Al-Baqarah: 229-230

الطَّلَاقُ مَرَّتَيْنِ فَإِمْسَاكَ بِعُرُوفٍ أَوْ تَسْرِيحٍ بِحَسَانٍ

Divorce is two times. Then, (it is permissible) to reconcile in a good way or to let go in a good way.

This verse regulates talaq and the obligation to give the wife her rights after divorce. Surah At-Talaq: 1-2

O Prophet, when you divorce your wives, divorce them during their 'iddah (waiting period) and count the 'iddah (waiting period).

Then there are the main traditions that discuss talaq, as follows: HR. Bukhari and Muslim reported that 'Abdullah ibn 'Umar (may Allah be pleased with him) said:

Rasulullah ﷺ divorced his wife, and he ordered her to observe iddah for three chastity periods.¶

This Hadīth indicates that the divorce should be done during a period of chastity, without any sexual intercourse during chastity period, to preserve the wife's honor and avoid any confusion regarding pregnancy.

Verily, Allah permits talaq, but the Messenger of Allah ﷺ hated talaq.¶ HR. Bukhari This Hadith confirms that talaq, although permissible in Islam, is still an act that is hated by Allah, and should be used as a last resort.

Hadith about 'Iddah, its Wisdom, and the Context of Its Application Narrated Ummu Athiyyah (may Allah be pleased with her):

A woman should not mourn more than three days for anyone other than her husband. However, for her husband, she should observe 'iddah for four months and ten days.¶ HR. Bukhari and Muslim:

This Hadīth explains the time limit for mourning and the iddah period that applies to wives whose husbands die. This iddah period gives women time to ease their grief, maintain their honor, and prepare for the next step in their lives. 'ishah (radiyallahu) :

Verily, Allah made talaq to give the husband and wife room to mend their ways, and the 'iddah period is an opportunity for them to settle their affairs. "Hadith Muslim. Muslim:

This Hadīth shows that talaq and iddah are not just legal processes, but also have the purpose of providing an opportunity for both parties to introspect, repair relationships, and restore themselves. Islam even allows divorce, but it is a halal act that is highly hated, does not recommend it and does not consider it a good thing. Even the Prophet himself said:

عن ابن عمر رضي الله عنهما قال: قال رسول الله صلى الله عليه وسلم: أبغض أحلال إيل ال الطالق (رواه ابوداود وابن)

The word halal which Allah hates gives an understanding that divorce is a rukhsah which is held solely because of an emergency, namely when the relationship deteriorates and wants separation between husband and wife, but with a condition that both parties must comply with the provisions of Allah and the marriage law. (Yusuf, 2002) However, there are still many people who divorce either by divorcing three at once or by divorcing only one, so that the number of divorce rates in people's lives is increasing every year.

The scholars agree on the permissibility of divorce. According to the scholars, a husband is prohibited from divorcing his wife three times at once, or by pronouncing three consecutive words of divorce within a period of chastity. Their reasoning is that if a husband divorces his wife three times, it means closing the door to return and meet again when he regrets his actions and also violates religious provisions. (Sayyid, 1998)

Some talaqs are sharih (clear) and some are kinayah (insinuated). A clear talaq does not require an intention. As long as the word uttered clearly means divorce, the talaq is considered to have fallen even if the person did not intend to divorce. As long as the person is conscious when uttering the words, the talaq considered valid. There is also the kinayah (insinuated) talaq. This insinuated talaq is considered to have fallen if a person.

The one who utters it intends to divorce. It is like what a husband says to his wife: -"Go back to your parents' house" is a divorce if the husband intends it to be a divorce. If the husband did not intend it to be divorce, then it does not count as divorce. For example, if the husband is away on business, his wife must be sent home to her parents first.

There is no difference between a conditional (mu'allaqan) and an unconditional (munajjazan) divorce, whether the person pronouncing the talaq stipulates something for the divorce to take place or does not stipulate anything. An example of a talaq that is conditioned on something is the husband saying to his wife: -You are divorced if you go to the mall. So when the wife goes to the mall, the divorce is considered valid.

Talak in terms of its delivery to the wife is divided into the following, First, Talak with Speech in the presence of his wife and the wife hears directly the words of her husband; Second, Talak with Writing, which is a Talak conveyed by the husband in writing, then delivered to his wife, and his wife reads and understands the contents and intentions. Talak that is expressed in writing, even though the person concerned can pronounce it, such as Talak Sharih and Talak Kinayah. Third, Talak with Sign, which is a Talak that is done in the form of a gesture by a husband who is speech impaired. Signing for a speech impaired husband can be seen as a means of communication to provide understanding and convey intentions. Therefore, the gesture for him is the same as speech for those who can speak in imposing Talak, as long as the gesture is clear and convincing. Fourth, Talak by Representation, which is a Talak conveyed by the husband to his wife through the Intermediary of another person as a messenger to convey the husband's intention to his wife who is not in the presence of the husband that the husband divorced his wife. (Makmun, 2015)

Talak is an Islamic legal institution that is used as the last way out of the dispute that occurs between husband and wife in a household that cannot be maintained, it can even bring harm to the husband and wife. Therefore, divorce according to Islamic law is a halal (makruh) but hated act. Allah. Substantially divorce is the last alternative taken by husbands and wives, if the marriage bond cannot be maintained intact, after maximum efforts to anticipate that divorce does not occur.

In practice, the Qur'an and as-Sunnah do not regulate in detail the procedure for divorce. Therefore, there are differences of opinion among scholars on this issue. There are scholars who give strict rules such as having to be witnessed or done in front of a judge. However, there are also those who are very lenient, such as the opinion that says that the husband can divorce for the slightest reason and without witnesses because divorce is the

husband's right. Meanwhile, according to government legislation, it is stated that in order to keep the rules of Shari'ah running properly, divorce should not be done arrogantly because it has a negative impact.

Through Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law (KHI), the government has regulated the mechanism and conditions for the validity of a divorce in the eyes of the law, namely divorce conducted in front of a court session. However, in the midst of society, there are divorce practices that do not follow these legal rules, which are often referred to as out-of-court divorce.

The out-of-court divorce in question is a divorce that has fulfilled all the terms and conditions of divorce stipulated in Islamic law, but without an official determination in the institution, as regulated in the legislation. This happens because the community knows that the opinion of the majority of scholars in fiqh literature does not require divorce to be carried out through a court hearing. Divorce is categorized as a voluntary petition case,^o meaning a case that has no opponent (only one party). (Yayan, 2004)

Surat al-Ṭalāq (65) verses 1-3 is a letter whose contents are often forgotten or abandoned by fiqh scholars, including scholars in Indonesia, especially related to the necessity of witnesses in divorce, as stated in the memorization, *wa asyhidū zawā adl'*. This is because they generally follow the school of al-Syāfī, as well as other schools, who do not require witnesses in divorce. Witnessing is only *sunnah (nadb)* or the instructions of the text in this case are merely considered to be *irshād* (giving guidance), unlike the Shi'a Imamiyah (obligatory), in accordance with the main rule of *ṣiḡāt al-amr*. In addition, they mostly rely on a hadith that reads: 'From Abī Hurairah, the Messenger of Allah said: 'There are three things whose rulings are the same whether intentional or unintentional: marriage, divorce, and reconciliation' (Abū Dāwūd).

The Hadith mentioned above, according to Ibn ʿAdī is *ḍaʿīf* (weak). Likewise, according to Ḥārith ibn Abī Usāmah through the Hadith of ʿUbādah ibn al-Sāmit who has brought the Hadith to the level of *marfūʿ*, it is *ḍaʿīf* in its *sanad*, because it contains the name Ibn Luhai'ah and the Hadith also *inqiṭāʿ* (disconnected). As a result, based on this Hadith, the dissolution of marriage through divorce is very easy. In fact, most of them do not pay attention to matters that occur after divorce, such as maintenance, Iddah, Mutah, and child maintenance.

Likewise, the Qur'anic verses that regulate the stages if a husband wants to divorce his wife, namely the wife's *nusyūz* (disharmony), as stated in QS al-Nisā'/4: 34, 35 and husband *nusyūz*, as stated in QS al-Nisā'/4: 128. The husband may not divorce his wife immediately, without going through the stages, must have reasons, especially if the *nusyūz* comes from the husband. Similarly, the Hadīth states that (the most lawful thing that Allah hates the most is divorce). (Abustam, 2019)

a. Talak in the Compilation of Islamic Law

Based on Article 115 KHI, divorce can only be carried out in front of a Religious Court session, after the Religious Court has tried and failed to reconcile the two parties (husband and wife). In addition, divorce can occur for the following :

1. One of the parties commits adultery or becomes a drunkard, junkie, gambler, etc. that is difficult to cure; One of the parties commits adultery or becomes a victim of adultery, drunkards, junkies, gamblers and others who are difficult to cure (Article 116 KHI and Article 19 PP No. 9 of 1975);
2. One of the parties leaves the other party for 2 (two) consecutive years without the other party's permission and without valid reasons or for other reasons beyond his/her ability to cure (Article 116 KHI and Article 19 PP No. 9 of 1975);
3. One of the parties is sentenced to 5 (five) years imprisonment or a heavier punishment after the marriage is cured (Article 116 KHI and Article 19 PP No. 9 of 1975);
4. One party commits cruelty or serious maltreatment that endangers the other party (Article 116 KHI and Article 19 PP No. 9 of 1975);
5. One of the parties is physically disabled or sick with the result that he or she cannot fulfill his or her duties as husband or wife (Article 116 KHI and Article 19 PP No. 9 of 1975);
6. There are continuous disputes and quarrels between husband and wife and there is no hope that they will live in harmony again in the household (Article 116 KHI and Article 19 PP No. 9 of 1975);
7. Husband violates taklik talak (Article 116 KHI)
8. Change of religion or apostasy that causes disharmony in the household (Article 116 KHI).

Based on the above provisions, divorce is valid if it is carried out in front of a Religious Court session (after the Religious Court has tried and failed to reconcile the husband and wife) and is accompanied by reasons for divorce as stipulated in Article 116 KHI. Furthermore, divorce is counted since the issuance of a Religious Court decision that has Permanent Legal Force / Inkracht van Gewijsde (Article 146 paragraph 2 KHI) and its consequences. Specifically for divorce due to divorce, the divorce occurs after the husband pronounces the pledge of divorce in front of a Religious Court session.

Divorce is a legal event that results in the dissolution of the marital bond between husband and wife. As a legal event, divorce is not only seen as a break in the bond between husband and wife, marriage only, but contains juridical legal consequences, and material legal consequences. From the juridical aspect, divorce results in the wife not being bound by marriage with the former husband, and after the expiration of the iddah period can marry another man. As for the material legal consequences, the court can oblige the former husband to provide living expenses for the former wife during the iddah period.

The iddah period is obligatory for all women who are separated from their husbands due to divorce, khulu' (filing for divorce), faskh or death, provided that the husband has had marital relations with her or has been given sufficient opportunity and ability to do so. One of the provisions in the law of divorce is the obligation to provide iddah maintenance for divorced wives. The fiqh experts agree that women who are divorced raj'i are still entitled to maintenance and housing.

The reason for the difference of opinion among the fuqoha on the issue of maintenance during the iddah period of divorce bain is due to differences in the methods used, in this case due to differences in the narration of the Hadith of Fatimah bint Qais and the contradiction between the Hadith and the verse of the Qur'an (At-Thalaq:

6). Therefore, the fuqoha use other approaches as a reference in determining laws that are not explicitly explained in the Qur'an or Hadith, whether in the form of qiyas, `urf or other legal methods. (Tiyan, 2020)

The fiqh experts agree that women who are divorced raj'i are still entitled to maintenance and housing. However, the fiqh still disagree about women who are divorced bain. Imam Shafi'i said: It was narrated from Abu Salamah and Fatimah bint Qais that Abu Amr bin Hafshah pronounced divorce ba'in kubra while his wife was in the Levant. So he sent a representative to his wife with sha'ir (a type of wheat) and she scolded him (for sending only such food). So he said, -By Allah, we are not obliged to you at all!! Then he came to the Messenger of Allah (SAW) and mentioned it, so he said, -There is no right of maintenance for you on him. Based on the quote above, the reason by the Shafi'yyah for the absence of maintenance for a wife who is divorced bain and is not pregnant is the Hadith of Fatimah bint Qais who was divorced bain by her husband. The Hadith mentions that the Messenger of Allah did not provide maintenance for Fatimah bint Qais. (Tiyan, 2020)

The Shafi'is also use ahad traditions as legal proof. Ahad Hadith is a Hadith that is narrated by one or more people but does not reach the level of mutawatir Hadith. In this case the Shafi'is accept the Hadith of Fatimah bint Qais which reads: -Muhammad ibn Mutsanna and Ibn Basyar have told us, both of them have told us Abdur Rahman ibn Mahdi has told us Sufyan from Salamah ibn Kuhail from Sha'bi from Fatimah bint Qais from the Prophet (peace be upon him), in the matter of the wife who was divorced three times, he said: -"The hadith of Fatimah bint Qais above is used as a basis by the Shafi'yyah in establishing the ruling that there is no maintenance for a wife who is divorced bain, if she is not pregnant.

According to the Shaafa'is, the above Hadith can be used as a legal basis because it meets the requirements of the validity of Hadith and can serve as an interpretation of the general meaning of Surah ath-Talaq Verse 6. The opinion of the Shaafa'is is the opinion of the majority of scholars of ushul fiqh who argue that general memorization in the Qur'an can be interpreted by ahad Hadith. According to the Shafi'yyah, the cause of the obligation of maintenance is the nature of zaujiyyah, namely marital status. Therefore, according to the Shafi'yyah, the husband is not obliged to provide maintenance for the wife during the iddah period of divorce bain, if the wife is not pregnant.

This is because divorce bain does not allow for reconciliation, so the characteristic of zaujiyyah is lost. The loss of zaujiyyah, which is the cause of the obligation of maintenance, results in the loss of musabbab, namely: the obligation of maintenance for the wife during the iddah period of divorce bain. In the context of contemporary law, it is necessary to analyze the ijtihad of previous scholars that are relevant to current legal issues. This analysis does not mean seeing the opinion of one scholar as the only solution and ignoring the opinions of other scholars, but rather tarjih based on the context of the situation at hand.

This is as stated by Abdul Wahhab Khalaf that the environment of residence has an influence in determining important benefits and needs, favoring one illat over another because of the strong munasabah (suitability) of illat. Socio-economic aspects Culture cannot be ignored as a factor that influences the ijtihad of previous scholars and tarjih on the relevant opinion (munasabah) to be chosen at this time.

Thalaq and Iddah in Psychological Studies

In the psychological dimension, thalaq or divorce often has a deep emotional impact on both parties. For both husband and wife, divorce can bring up feelings of loss, disappointment, and even shame or guilt. Some people may feel that divorce is a personal failure, which raises doubts about their ability to navigate the relationship. This emotional process is not easy, and often takes a long time to fully recover from. Therefore, it is important for every individual involved in divorce to get emotional and spiritual support so that they can overcome the emotional trauma caused and start the road to recovery.

In addition, divorce also has a significant impact on the children who are part of the family. Children are often the victims of the conflict between their parents. Feelings of confusion, fear and anxiety can arise in children who have to deal with major changes in their lives. Research shows that children who experience parental divorce are often more vulnerable to mental health problems, such as anxiety disorders, depression, or interpersonal relationship problems in the future. In this case, it is important for parents to maintain good communication with their children and provide them with the support they need to better cope with divorce.

The importance of emotional management in dealing with thalaq cannot be underestimated. One of the keys to dealing with divorce more healthily is the ability to manage emotions wisely. Good emotional management helps individuals to reduce stress and conflict, and allows the divorce process to run more smoothly. In addition, the ability to manage emotions also helps individuals to think more clearly and make more rational decisions regarding their future. Without emotion management divorce can add a greater mental burden to all parties involved.

The iddah period, which is required by Islamic law for women who are divorced or whose husbands die, has an important psychological dimension. Iddah is not only a legal obligation, but also an opportunity for women to engage in self-reflection and emotional healing. During this period, women are given time to reflect, absorb their feelings, and improve themselves spiritually. Iddah provides an opportunity to heal inner wounds after separation, either due to divorce or the loss of a husband. It allows women to rediscover inner strength and peace, so that they can move on to the next phase of their lives better prepared and stronger.

In addition, social and spiritual support is essential during the iddah period. Support from family, friends and community is helpful in the emotional healing process. In addition, spiritual support through worship and prayer can provide peace of mind and peace of mind, which helps women to more easily let go of the past and start a new chapter in their lives. The iddah period, although sometimes difficult, can be a blessed period, giving women the opportunity to live a new life with greater confidence and strength.

Thus, both thalaq and iddah have psychological dimensions that cannot be ignored. Both provide space for individuals to process feelings, heal emotional wounds, and prepare themselves for a better future.

Conclusion

Hadiths on thalaq and iddah reflect a deep theological dimension, emphasizing justice, compassion, and adherence to the Shari'ah as a form of protection for individual

rights, especially women. The iddah period is understood as a time set by Allah to ensure order in social life, maintain honor, and provide space for the process of adaptation and spiritual reflection. Psychological approach enriches this understanding by highlighting the importance of emotional healing for the affected parties, whether husband, wife or children, so that talaq is not only a legal solution, but also an opportunity to achieve peace and balance in the face of life's changes.

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