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**Implementation of *Syibhul Iddah* in KUA Klojen District:
A Study Based on the Circular Letter of the Ministry of
Religious Affairs**

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Abstract:

The Circular Letter from the Director General of Islamic Community Guidance, Ministry of Religious Affairs No: P-005/DJ.III/Hk.00.7/10/2021 regulates *Syibhul Iddah*, a waiting period for men who divorced before remarrying. This research aims to describe the implementation of *Syibhul Iddah* based on the Circular Letter at the KUA Klojen District and to analyze its concept from the perspective of Wahbah Az-Zuhaili. This research uses a juridical-empirical approach with a qualitative descriptive method. Data sources were obtained from primary sources in the form of interviews with informants such as the Head of KUA, modin, and widowed prospective grooms, and were supported by secondary sources such as relevant literature, including the Islamic book "Wa Adilatuhu" and Circular Letters. Data were collected through interviews and documentation. The research results show that the KUA of Klojen District has implemented this policy in accordance with the regulations. The KUA does not process the administration of male prospective brides who are still in the iddah period of their former wives. This policy provides benefits, particularly in protecting women's rights post-divorce. Furthermore, an analysis from the perspective of Wahbah Az-Zuhaili shows that *Syibhul Iddah* aligns with two shari'ah prohibitions, namely the prohibition of marrying more than four wives (including in the case of raj'i divorce) and the prohibition of marrying women who are blood relatives of former wives.

Keywords: *Syibhul Iddah*; Islamic Community Guidance; Wahbah Az-Zuhaili.



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Introduction

Marriage is *sunnatullah* in Islamic law which aims to create a household life that is *sakinah*, *mawaddah* and *rahmah*. However, not all marriages can last long. Divorce often occurs due to various factors, such as domestic conflict or economic problems. If the marriage creates a bad situation, often fights, or economic problems, of course this shows that losses will arise if the marriage is maintained.¹ In Islamic law, the term for divorce is talak. Talak is a person's right which is given by the husband and not obtained by the wife, because the husband is the one who is obliged to provide maintenance, and he is also the one who is obliged to pay the dowry, *mut'ah*, as well as maintenance and *iddah*.² Divorced women are required to serve time *Iddah* as a form of respect for the marriage bond and ensuring there is no doubt regarding offspring. However, this policy is often seen as discriminatory because it only applies to women, while men do not have similar obligations.

Through the Circular Letter of the Director General of Islamic Community Guidance No: P-005/DJ.III/Hk.00.7/10/2021, the government stipulates a waiting period (*Shibhul Iddah*) for men before remarriage. The letter explains that if a husband wants to marry another woman, he must wait for his wife's *iddah* period to finish first. Indirectly, this regulation explains that the husband still has obligations that must be carried out by the husband towards his wife when they are still undergoing their *iddah* period, such as *mut'ah*, alimony, dowry debt, and *gift*. Then, if a man's ex-husband marries another woman during the *iddah* period, while he still has the opportunity to refer to his ex-wife, then this has the potential for hidden polygamy or a marriage that has no legal basis or legal force.³ This policy aims to prevent hidden polygamy and provide protection for women's rights after divorce. This research focuses on policy implementation *Syibhul Iddah* in KUA Klojen District and its relevance from Wahbah Az-Zuhaili's perspective.

The previous research related to the theme of this article is First, " Pandangan Duda tentang *Syibhul Iddah* Bagi Suami Perspektif Keadilan Gender (Studi Kasus Desa Cipaku Kecamatan Mrebet Kabupaten Purbalingga)".⁴ This research was conducted by Lholifatul Haniah (2024). The focus of the discussion is on widowers' views on *Syibhul Iddah* from a gender perspective, indirectly they have implemented *Syibhul Iddah* from a gender justice perspective. The advantage of this research is that the data source taken through widower informants directly supports the perpetrators of *Syibhul Iddah* by using a gender perspective. This research offers a more comprehensive approach by analyzing policy implementation at the KUA and its relevance to Wahbah Az-Zuhaili's views.

Second, " Efektifitas Surat Edaran Dirjen Bimas Islam Tentang Pernikahan Dalam Masa Iddah Istri Di Kecamatan Adiluwih Kabupaten Pringsewu."⁵ This research was

¹ Tri Marie Setiawati, "Syibhul Iddah Suami Dalam Perspektif Qiroah Mubadalah," *Fakultas Syariah Universitas Islam negeri Maulana Malik Ibrahim Malang*, 2023.

² Syaefuddin Haris, "Kedudukan Taklik Talak Dalam Perkawinan Islam Ditinjau Dari Hukum Perjanjian," *Arena Hukum* 6, no. 3 (December 1, 2013): 338, <https://doi.org/10.21776/ub.arenahukum.2013.00603.3>.

³ Sampurna Siregar, *Pernikahan Suami Dalam Masa Iddah Istri Perspektif Maslahah Almursalah Dalam Surat Edaran Nomor: P-005/DJ.III/Hk.00.7/10/2021* (Universitas Islam Negeri Syekh Ali Hasan Ahmad Addary Padang Sidempuan, 2023).

⁴ Kholifatul Haniah, *Pandangan Duda Tentang Syibhul 'Iddah Bagi Suami Perspektif Keadilan Gender (Studi Kasus Desa Cipaku Kecamatan Mrebet Kabupaten Purbalingga)* (Universitas Islam Negeri Prof. K.H. Saifuddin Zuhri Purwokerto, 2024).

⁵ muhammad Taufik Arohman, *Efektifitas Surat Edaran Dirjen Bimas Islam Tentang Pernikahan Dalam Masa Iddah Istri Di Kecamatan Adiluwih Kabupaten Pringsewu* (Institut Agama Islam Negeri (IAIN) Metro, 2023).

reviewed by Muhammad Taufik Arohman in 2023. The focus of this discussion is related to the effectiveness of the Circular Letter with Lawrence M. Friedman's theory of effectiveness, which in the results was not effective because there are still many who think that iddah can only be established for women and not for men. The advantage of this article is that the discussion is related to the Circular Letter as well, but with the way it is implemented and linked to Wahbah Az-Zuhaili's perspective, previous research highlights the effectiveness of the *Syibhul Iddah* policy in society. Meanwhile, this article focuses more on the role of the KUA as an administrative institution responsible for ensuring the implementation of policies in accordance with applicable regulations. Third, The study conducted by Refadila Demira in 2023⁶, focusing on the obligations of *Syibhul Iddah* stated in the Circular Letter and the supporting factors, including the existence of the Circular Letter as an emergency measure to prevent hidden polygamy. The strength of this article lies in its focus on the implementation aspect, which is explored through the perspectives of Marriage Registration Officers as the administrators of marriage data at the KUA, as well as its relevance to the socialization of the Circular Letter

Fourth, The research conducted by Sartina and Lilik in 2022⁷. The study's focus was on discussions related to *Syibhul Iddah* from an Islamic law perspective with normative or library research. The advantages of this article discuss *Syibhul Iddah* related to the concept of Wahbah Zuhaili which is linked to its application at the KUA Klojen and uses empirical research by locating the Religious Affairs Office to validate a person's marriage or marriage registration. Fifth, "Construction of Husband's Iddah (Study of Circular Letter of the Director General of Islamic Guidance Number: P-005/DJ.III/Hk.00.7/10/2021)".⁸ This research focuses on husbands and construction on the Circular Letter of the Director General of Islamic Guidance, Ministry of Religion Number: P-005/DJ.III/Hk.00.7/10/2021, using the mubjadi theory popularized by Faqihuddin Abdu Qodir. This article has differences related to the theory used, namely Wahbah Az-Zuhaili's theory and its implementation in the agencies directly related to the Circular Letter.

From several previous studies, the novelty obtained by the author is that this article discusses the implementation of *Syibhul Iddah* based on the Circular Letter of the Director General of Islamic Guidance of the Ministry of Religion Number: P-005/DJ.III/Hk.00.7/10/2021 at the relevant agency, namely the Office of Affairs Religion and Wahbah Az-Zuhaili's perspective in its application are compatible or not. From the background explanation above, the objectives of this research are 1). To find out about implementation *Shibhul Iddah* based on the Circular Letter of the Director General of Islamic Guidance of the Ministry of Religion Number: P-005/DJ.III/Hk.00.7/10/2021 in the KUA of Klojen District, 2) To explain the concept of *Syibhul Iddah* in the Circular Letter of the Director General of Islamic Guidance of the Ministry of Religion Number: P-005/DJ.III/Hk.00.7/10/2021 in the Perspective of Wahbah Az-Zuhaili.

⁶ Refadila Demira, *Analisis Kewajiban Syibhul Iddah Berdasarkan Surat Edaran Dirjen Bimas Islam Kemenag RI Nomor P-005/DJ.III/Hk.00.7/10/2021 Perspektif Hukum Islam* (Universitas Islam Negeri Sultan Syarif Kasim Riau, 2023).

⁷ Sartika and Lilik Andaryuni, "Konsep Syibhul Iddah Bagi Laki-Laki Ditinjau dari Hukum Islam," *Fakultas Syariah Sekolah Tinggi Agama Islam (STAI) Al-Furqan Makassar* 3 (December 2022), <https://ojs.staialfurqan.ac.id/jtn/>.

⁸ Khairul Umami and Aidil Aulya, "Konstruksi Idah Suami (Studi Surat Edaran Dirjen Bimas Islam Nomor P-005/DJ.III/HK.007/10/2021)," *Rumah Jurnal Fakultas Syari'ah Universitas Islam Negeri Imam Bonjol Padang*, 2022, 39–52.

Method

This research is of the type that uses empirical juridical research. This empirical research is field research, the truth of which can be proven in reality or can be felt by the five senses.⁹ The approach to this research uses a qualitative approach, namely this approach describes the findings of the data obtained from the research. Descriptive research is research that attempts to describe a symptom, event, incident that is happening now.¹⁰ The location of this research is at the Office of Religious Affairs in Klojen District, because the Office of Religious Affairs is the place where documents are carried out before carrying out a marriage contract, and whether the marriage is valid for a man whether it is still within its term. *Iddah* the woman or it's finished. The data sources used are primary data sources in the form of information collected directly through statements from informants who are deemed to meet the requirements and have an interest in the research and secondary data sources whose data is obtained from non-original sources containing research information or data.¹¹ In order to obtain data, this research uses semi-structured interview methods and documentation, then the data that has been obtained will be processed using editing, classification, verification, analysis and finally conclusion techniques.

Result and Discussion

The concept of Mahram in Islam

In the Al-Munawwir dictionary the word مَحْرُمٌ comes from the words حَرَمَ – يَحْرُمُ which means to prevent. Meanwhile, حَرَمٌ itself means haram or forbidden. So in this sense, a mahram is a person who is forbidden or prevented from marrying. According to Qudamah Rahimahullah, all people who are forbidden to marry forever because of lineage, breast milk and marriage, such as their father, son or brother because of lineage or same breast milk.¹² And according to Al-Hafid, a female mahram is a person who is forbidden to her on the basis of ties (marriage) except for mothers resulting from dubious sexual relations and women who are cursed.

Mahram for him, the women who have a mahram relationship with us are found in the text explained by the word of God in the Qur'an Surah An-Nisa verse 23¹³, meaning "Forbidden to you (marry) your mothers, your daughters, your sisters, your father's sisters, your mother's sisters, the daughters of your brothers, the daughters of your sisters, mothers who breastfeeds you, your nursing sisters, the mothers of your wives (in-laws), the daughters of your wives (stepchildren) who are in your care, from the wives you have mixed with, but if you have not mixed with your wife (and you have already divorced), it is not a sin for you (to marry her), (and it is forbidden for you) the wives of your own children (daughter-in-law), and (it is also forbidden) to bring together (in marriage) two women who are sisters, except (it happens at the time) that has passed. Indeed, Allah is Most Forgiving and Most Merciful."

⁹ Depri Liber Sonata, "Metode Penelitian Hukum Normatif Dan Empiris: Karakteristik Khas Dari Metode Meneliti Hukum," *FIAT JUSTISIA: Jurnal Ilmu Hukum* 8, no. 1 (November 5, 2015), <https://doi.org/10.25041/fiatjustisia.v8no1.283>.

¹⁰ Juliansyah Noor, *Metodologi Penelitian Skripsi, Tesis, Disertasi, Dan Karya Ilmiah*, (Jakarta: Kencana Prenada Media Grup, 2011), 34.

¹¹ Rahmadi, *Pengantar Metodologi Penelitian* (Banjarmasin: Antasari Press, 2011), 75.

¹² Tati Yalina Andiyah, "Mahram dan Pembatasan Pernikahan dalam Konteks Hukum Islam" 2, no. 1 (2025): 134.

¹³ Tim Penerjemah, *Al-Qur'an Dan Terjemahannya* (Jakarta: Lajnah Pentashihan Mushaf Al-Quran Badan Litbang Dan Diklat Kementerian Agama RI, 2019), 110.

The verse above explains that it is forbidden for any woman to marry, namely the wife of a former father, mother, daughter, sister, aunt, niece, mother who breastfeeds, half-brother, mother-in-law, stepdaughter, marrying two brothers, and women who still related to husband and wife's relationship with other people. The types of mahram are divided into 2, namely, mahram mua'abba means people whose marriage is forbidden forever. Mua'abba mahrams include Mahrams because of their lineage/kinship relationship, Muaqqat mahrams mean people for whom it is forbidden to enter into marriage temporarily for certain reasons. If an obstacle no longer exists then the prohibition no longer applies.

Iddah in Islam

Iddah By definition, according to language, it comes from words al-'adda And ihsa' al-shay' which means number or count.¹⁴ Counting is defined as a woman (wife) counting her days and her clean period. It said "*Adadtuasy-shyai'aiddatan*" It means that I counted something by counting, and it was said to the person being counted "*iddatu al-mar'ah*", the meaning of which is the counting days of the iddah period.¹⁵ *Iddah* by definition, according to language, it comes from words al-'adda And ihsa' al-shay' which means number or count.¹⁶ Counting is defined as a woman (wife) counting her days and her clean period. It said "*Adadtuasy-shyai'aiddatan*" It means that I counted something by counting, and it was said to the person being counted "*iddatu al-mar'ah*", the meaning is the counting days of the iddah period.¹⁷

The legal basis for Iddah is stated in the Word of Allah in Q.S. Al-Baqarah verse 228, in the sentence women who are divorced should restrain themselves (wait) three times quru', the meaning gives more than one meaning, namely being able to menstruate or containing a sacred meaning.¹⁸ Various types of Iddah Periods in Iddah vary when viewed from the situation, in general women get iddah because their husband dies or is divorced.¹⁹

The Waiting Period and Mourning Period for Men in a Compilation of Islamic Law

The compilation of Islamic Law for Muslim communities is a debate that is often discussed. The Compilation of Islamic Law is not an alternative that equalizes all parties, but it can attract strong protests and criticism in Islamic circles because it provides opinions that have no background in Islam. So this continuity will become resistance if the party who feels disadvantaged feels intimidated.

However, regarding the Compilation of Islamic Law, it is linked to various references, namely the jurisprudence of the works of previous scholars and is sourced from books. *mu'tabarah* as a legal guide. Regarding Iddah for men, it is related to the Compilation of Islamic Law, which states the period of mourning as stated in Article 170

¹⁴ Abdul Aziz Muhammad Azzam and Abdul Wahhab Sayyed hawwas, *Fiqh Munakahat Khitbah, Nikah, Dan Talak* (Jakarta: AMZAH, 2022), 318.

¹⁵ Wahbah Az-Zuhaili, *Fiqh Islam Wa Adillatuhu* (Darul Flkir, 1996), 534.

¹⁶ Azzam and hawwas, *Fiqh Munakahat Khitbah, Nikah, Dan Talak*, 318.

¹⁷ Az-Zuhaili, *Fiqh Islam Wa Adillatuhu*, 534.

¹⁸ Nurhayati, "Iddah Dalam Perceraian," *Universitas Dharmawangsa*, Oktober 2019, 49, <https://jurnal.dharmawangsa.ac.id/index.php/juwarta/article/download/507/497>.

¹⁹ Ahmad Zamzam Saefi, "Iddah dalam Mazhab Fiqih dan Perundangan Indonesia," *El-Faqih : Jurnal Pemikiran dan Hukum Islam* 9, no. 1 (July 15, 2023): 130, <https://doi.org/10.58401/faqih.v9i1.963>.

paragraph 2, namely: a husband whose wife dies, undertakes a period of mourning according to propriety.²⁰ Then what is also explained is related to the provisions prohibiting marriage by men who wish to remarry which are contained in Article 41 and Article 42.

Article 41, "a man is forbidden to marry his wife with a woman who has a relationship of lineage or consanguinity with his wife; the prohibition in verse 1 still applies even though the wives have been divorced by raj'I, but are still in the period of iddah".²¹ Article 42, "a man is prohibited from marrying a woman if the man has 4 (four wives who all four are still bound by marriage or still in the period of iddah talaq raj'I or one of them is still bound by marriage while the other is in the period of iddah talaq raj'I²² explained specifically for the time. But only give information according to the appropriate time.

Syibhul Iddah in the Contemporary Fiqh of Wahbah Zuhaili

Meaning, *Syibhul Iddah* is something similar to iddah. said *asy-syibhu* means "similar or the same".²³ *Syibhul Iddah* defined as the waiting time or waiting time that must be carried out by a man who is divorced from his wife, In jurisprudence literature the issue has been discussed by scholars, although with different terminology and in two situations. When categorized as talak raj'i and if you want to marry someone who is related by blood to your ex-wife, you have to wait first for the woman's iddah period to finish, secondly, if you have four wives and want to remarry because one of them has been divorced during the iddah period, then you have to marry the other one. then wait for his ex-wife's iddah period first.

In contemporary jurisprudence *Syibhul Iddah* introduced by Wahbah Az-Zuhaili which is an obligation for men to undergo the period of Iddah after divorce. In that view, *Syibhul Iddah* this refers to the situation of a man who has been divorced with the status of widower and is experiencing a waiting period, the waiting period is similar to the iddah that applies to women due to the *Mani Syar'I* namely because of two circumstances, namely avoiding the man having two women who are related by blood, or there is concern regarding the accumulation of five wives.²⁴

Circular Letter of the Director General of Islamic Guidance, Ministry of Religion Number: P-005/DJ.III/Hk.00.7 /10/2021

The formulation of the Circular Letter of the Director General of Islamic Community Guidance, Ministry of Religion Number: P-005/DJ.III/Hk.00.7/10/2021, leads to the results of discussion forum discussions between the Directorate General of Islamic Community Guidance, Ministry of Religion of the Republic of Indonesia and the Directorate General of the Religious Courts Agency of the Supreme Court of the Republic Indonesia on September 30 2021, which stated that the Circular Letter of the Director General of Islamic Religious Institutional Development Number: D1V/Ed/17/1979 dated 10 February 2019 concerning the Problem of Polygamy in Iddah not proceeding as

²⁰ Pasal 170 ayat (2) Kompilasi Hukum Islam tentang Masa Berkabung

²¹ Pasal 41 ayat (1 dan 2) Kompilasi Hukum Islam tentang Larangan Perkawinan

²² Pasal 42 Kompilasi Hukum Islam tentang Larangan Perkawinan

²³ Andaryuni, "Konsep *Syibhul Iddah* Bagi Laki-Laki Ditinjau dari Hukum Islam," 291.

²⁴ Ahmad Ali Masyhuda, "Pengaplikasian Teori Double Movement Pada Hukum 'Iddah Untuk Laki-Laki," *HERMENEUTIKA : Jurnal Ilmu Hukum* 4, no. 1 (February 29, 2020), <https://doi.org/10.33603/hermeneutika.v4i1.3272>.

directed and therefore requiring a review.²⁵ So, with these considerations in mind, it is necessary to establish a Circular Letter from the Director General of Islamic Community Guidance regarding Marriage During the Wife's Iddah Period.

In the Circular Letter of the Director General of Islamic Guidance of the Ministry of Religion Number: P-005/DJ.III/Hk.00.7/10/2021 there are provisions that are regulated, namely: a) Marriage registration for men and women who are divorced/widows can only be carried out. if the person concerned has officially divorced as proven by a divorce certificate from the Religious Court which has been declared inkrah. b) The provision of the wife's iddah period due to divorce is an opportunity for both husband and wife to think again about rebuilding the household that was separated due to divorce. c) The ex-husband's man can marry another woman if his ex-wife's iddah period has been completed. d) If a man's ex-husband marries another woman during the iddah period, while he still has the opportunity to refer to his ex-wife, then this could potentially lead to hidden polygamy. e) In the event that a former husband has married another woman during his ex-wife's iddah period, he can only refer to his ex-wife after obtaining permission for polygamy from the court. The letter explains that men have a waiting period to remarry if their wife's iddah period has finished. The provisions contained in Islamic law so far only explicitly regulate the iddah for wives which can be understood to mean that only women do it. Meanwhile, the aim of forming this Circular Letter is to provide certainty about the procedures and procedures for registering marriages for ex-husbands who will marry another woman during their wife's iddah period.²⁶

Marriage Registrar

Marriage registrar employees are one of the employees who are able to provide excellent service, especially in registering marriages. Marriage registration is an authentic form which states that the marriage is legal according to the State and Religion. This marriage registration employee is referred to as (VAT) in accordance with Minister of Religion Regulation Number 11 of 2007 concerning Marriage Registration Article 2 Paragraph 1.²⁷ Marriage registration is carried out by the Penghulu/Head of the KUA and after the marriage is held correctly you will receive a Marriage Certificate Excerpt in the form of a Marriage Book.

Judicially, the provisions of the headman in Indonesia are regulated in PMA (Regulation of the Minister of Religion) No. 11 of 2007 concerning Marriage Registration which is used by Marriage Registration Officers (PPN).²⁸ In registering marriages carried out by PPN there are stages and procedures that have been explained in articles 3 to 13 of Government Regulation of the Republic of Indonesia Number 9 of 1975.²⁹

²⁵ Surat Edaran Nomor: P-005/DJ.III/Hk.00.7/10/2021 Tentang Pernikahan Dalam Masa Iddah Istri

²⁶ Yuyun Tri Fatimah and Abdul Haris, "Masa Tunggu Laki-laki Pasca Perceraian Perspektif Maslahah Ath-Thufi," *Sakina: Journal of Family Studies* 7, no. 1 (March 21, 2023): 7, <https://doi.org/10.18860/jfs.v7i1.2729>.

²⁷ Achmad Murtadho Usman, "Kewenangan Pencatatan Nikah Melalui Penghulu Dan Kepala Kua Dalam Perspektif Peraturan Menteri Agama Dengan Peraturan Pendayagunaan Aparatur Negara," *Harmoni* 20, no. 1 (June 30, 2021): 146, <https://doi.org/10.32488/harmoni.v20i1.468>.

²⁸ Fatimahurin and Aspandi, "Hak Perempuan Menjadi Penghulu Di Indonesia Dalam Perspektif Gender" 9 (2023): 102–15, <https://doi.org/10.55210/assyariah.v9i2.1065ht>.

²⁹ Rusdiman Suaib and Ajub Ishak, "The Existence of the Role of Headman in Marriage Registration on the Case of an Adoptive Father in a Birth Certificate," *Al-Mizan* 14, no. 2 (December 1, 2018): 202–19, <https://doi.org/10.30603/am.v14i2.831>.

In marriage registration there is also an Assistant Marriage Registration Officer or known as P3N, namely someone whose job is to assist the role of Marriage Registration Officer (VAT), but in 2019 the Director General of Islamic Community Guidance issued a letter of instruction Number Dj. II/113 of 2009 concerning the Use of PNBP Funds for Reconciled Marriages and the Arrangement of Assistant Marriage Registrar Employees that this P3N has been declared invalid for organizing services except in certain villages or areas. The purpose of P3N is as members of certain communities appointed by the Head of the Regency or City Department of Religion to assist with PPN tasks in certain villages.³⁰

As the main duties of the headman are outlined in Chapter II Article 4 of the Regulation of the Minister for the Empowerment of State Apparatus No.PER/62/M.PAN/6/2005 concerning the Functional Position of the Headman and His Credit Number, in his role the Headman is directly involved in dealing with the community carrying out marriage registration, especially problems that are urgent and require legal certainty for the community.

Implementation *Syibhul Iddah* based on Circular Letter of the Director General of Islamic Guidance, Ministry of Religion Number: P-005/DJ.III/Hk.00.7/10/2021 at KUA Klojen District

The research location is the Klojen District Religious Affairs Office (KUA) located on Jalan Pandeglang No.14, Penanggungan Village, Klojen District, Malang City. The data and analysis have been obtained from the results of the entire interview the author conducted with the Head of the Klojen District Religious Affairs Office, Modin KUA Klojen District, besides also interviewing one of the informants involved in the implementation *Iddah* for this man, namely the informant who directly experienced how the administrative process was carried out when he became an ex-husband by implementing the Circular of the Director General of Islamic Guidance at the Ministry of Religion Number: P-005/DJ.III/Hk.00.7/10/2021.

The issuance of this Circular Letter is an endorsement of the Circular Letter of the Director General of Islamic Religious Institutional Development Number: D1V/Ed/17/1979 dated 10 February 2019 concerning the Problem of Polygamy in Iddah which is no longer running as directed and therefore requires a review..³¹ The emergence of this Circular was due to the fact that many men neglected their ex-wives and did not carry out their obligations, such as providing maintenance, among other things. In the past, before this Circular, the religious court issued a similar Circular regarding the waiting period for men. Because caused. The letter explains that if, for example, a husband wants to remarry during his wife's iddah period, he must first apply for a polygamy permit. So if a man wants to marry his ex-wife during the Iddah period, he must request a Polygamy letter from the Religious Court.

The policy regarding the iddah period for men after divorce has become an issue that has attracted public attention. This policy is regulated in the Circular Letter of the Director General of Islamic Guidance of the Ministry of Religion Number: P-005/DJ.III/Hk.00.7/10/2021. In its implementation, there were various responses from the

³⁰ Pasal 1 ayat 4 Peraturan Menteri Agama RI No. 11 Tahun 2007 tentang Pencatatan Nikah

³¹ Surat Edaran Nomor: P-005/DJ.III/Hk.00.7/10/2021 Tentang Pernikahan Dalam Masa Iddah Istri

community as well as challenges faced by the Office of Religious Affairs (KUA). Fauzi Qusyairi, as Head of the Klojen District Religious Affairs Office, gave his views regarding this matter. According to Fauzi Qusyairi, there are some people who do not accept this policy. One of the main reasons for this rejection is the belief that iddah is only an obligation for women whose husbands have divorced them. However, Fauzi Qusyairi explained that the provisions regarding men's iddah period have a legal basis and wisdom that is important to understand. He stated, "Allah is Most Just. It is impossible for a decree to be passed without a specific purpose."³²

Policy *Syibhul Iddah* which is regulated in the Circular Letter of the Director General of Islamic Guidance of the Ministry of Religion No: P-005/DJ.III/Hk.00.7/10/2021 aims to provide a waiting period for men before entering into a new marriage, especially if their ex-wife is still in her term. *Iddah*. This policy is the government's effort to create justice in marital relations and prevent the practice of hidden polygamy which can occur if new marriages are carried out before the term of marriage. *Iddah* ex-wife finished. This research found that the implementation of this policy in the KUA Klojen District has been implemented consistently in accordance with the rules contained in the Circular Letter. In an interview with one of the KUA employees, it was explained that prospective grooms who wish to remarry are required to show a divorce certificate from the Religious Court stating that the divorce is final. Furthermore, KUA officers also carry out verification to ensure that the ex-wife of the prospective groom has completed his term *Iddah* his. When time *Iddah* is not completed, the marriage administration process will not continue.

Before this Circular, they had already anticipated the problem of men who wanted to remarry during their ex-wife's iddah period with the concept of using a written statement made by the person concerned and using a seal so that there would be legal consequences if the person concerned violated it. The public's response to the statement letter is enough to give a warning to men who want to get married. However, there are also several complaints or obstacles faced by the Office of Religious Affairs. According to Fauzi Qusyairi, in this day and age, many men abandon their obligations after divorce, even when their household is not doing well. This income has already stopped. This had a big influence on the Circular Letter being issued.³³ As continued by Jailani, a modin, the registration process for male candidates when they are still widowed but their wife is still in the iddah period, then the registration file will not be accepted and they must first wait for their ex-wife to complete her iddah.³⁴ When an ex-man wants to register his marriage again, but his ex-wife is still in the iddah period, Mr. Jailani as modin also informs him that the administration cannot be carried out and is not in accordance with the rules, so he must first wait for the ex-wife's iddah period to expire after Only then can you register a new marriage.

In responding to this, Mr. Mudin gave directions when wanting to get married for a male ex-husband (widower) who wants to remarry, the procedure is the same as registering a marriage, but there are differences in the administration process, namely as follows: 1) Resident Identity Card, Look first. First, see whether the Resident's Identity Card has been changed, whether it is a live divorce or a death divorce. 2) Family Card, the previous family card must be replaced with the current status, divorce or death. 3)

³² Fauzi Qusyairi, wawancara, (Malang, 23 Oktober 2024).

³³ Fauzi Qusyairi, wawancara, (Malang, 23 Oktober 2024).

³⁴ Jailani, wawancara, (Malang, 23 Oktober 2024).

Divorce Certificate/Death Certificate, this certificate is authentic proof of the document which makes it clear that he has officially divorced in court, or a statement of the death of his ex-wife.

This policy is seen as providing significant benefits, especially in protecting women's rights after divorce. Before this policy was implemented, there were many cases where men immediately remarried after divorce without paying attention to their responsibilities towards their ex-wife, such as payment of maintenance or rights. *mut'ah*.³⁵ Because in fact, after divorce, men still have obligations that must be fulfilled. The obligation for a man after divorcing his wife is not only to provide maintenance. If a marriage breaks up because the husband files for divorce in court, an ex-husband is obliged to carry out: a) the obligation to provide *Mut'ah*, b) the obligation to provide *Iddah* support, *maskan* and *Kiswah* during the *Iddah* period, c) the obligation to provide support and educational costs for children. With this policy, the ex-husband is required to complete his responsibilities during this period *Iddah* before entering into a new marriage. This creates legal protection for women and strengthens the principle of justice in marriage.

He also emphasized that Islamic jurisprudence is dynamic and continues to develop to anticipate current problems. The *iddah* period for men, or what is known as *Syibhul Iddah*, is a form of development of *fiqh* in response to society's needs. Fauzi Qusyairi said that this *iddah* period is important to prevent a divorced husband from acting arbitrarily towards his ex-wife. Many cases show that after giving divorce, husbands often neglect carrying out obligations that are still their responsibility. In fact, in some cases, husbands have started to focus on building a new life with another wife, while ex-wives and children from previous marriages are left neglected.

During the four years this policy was implemented, Fauzi Qusyairi noted that in general, the public's response to this regulation was quite positive. This is inseparable from the socialization efforts carried out by the KUA in a wise and non-contrived manner. This socialization is carried out based on the contents of the Circular, so that it does not cause excessive confusion or rejection in the community. Apart from that, the KUA also plays an active role in providing education regarding the wisdom behind this policy, so that the public can understand the importance of the *iddah* period for men. With a communicative and educational approach, the potential for chaos or reporting related to this policy has been minimized.

Fauzi Qusyairi also underlined the importance of a persuasive approach in educating the public about this policy. For example, when facing people who object, the KUA provides explanations in language that is easy to understand. This explanation includes the religious basis, the objectives of the policy, and the expected positive impacts. In this way, the public is invited to understand that every provision in Islam has deep wisdom, including the provisions regarding the *iddah* period for men.

Overall, this policy shows that Islamic law is dynamic and flexible in facing the challenges of the times. With the right approach, the public can be invited to understand and accept this policy as part of efforts to create justice and prosperity for all parties. Fauzi Qusyairi concluded that, "Fiqh does not follow the times, but fiqh continues to be dynamic to anticipate the times we live in. This is the beauty of Islamic law, which is always relevant to human needs."

³⁵ Fauzi Qusyairi, wawancara, (Malang, 23 Oktober 2024).

The successful implementation of this policy is also a reflection of the hard work and dedication of KUA officers in providing the best service to the community. By continuing to improve education, communication and cooperation, it is hoped that this policy can continue to be accepted and appreciated by the public. Furthermore, this policy can be an inspiration for the development of Islamic law that is more responsive to the needs of the times, without abandoning the basic principles on which it is based.

Circular Letter of the Director General of Islamic Guidance at the Ministry of Religion Number: P-005/DJ.III/Hk.00.7/10/2021 which was implemented at the Klojen Religious Affairs Office has been implemented as it should, with a fairly good public response to this Circular Letter. As Head of the Office of Religious Affairs, he also upholds the objectives of the Circular by prioritizing women's rights after divorce. Even though this is only a Circular and is not legally binding, the Klojen KUA still takes firm action that if a man is still in his ex-wife's iddah period then he will not proceed with his administration letter first, and if he is caught committing fraud then his application will not be processed. Overall, implementation *Syibhul Iddah* in the KUA Klojen District shows that this policy can provide significant benefits in creating gender justice and protecting women's rights after divorce. Even though there are challenges in implementation, the commitment of KUA officers in implementing this policy should be appreciated.

Syibhul Iddah in the Circular Letter of the Director General of Islamic Guidance, Ministry of Religion Number: P-005/DJ.III/Hk.00.7/10/2021 in the Perspective of Wahbah Az-Zuhaili

Draft *Syibhul Iddah* in the Ministry of Islamic Affairs Director General's Circular Letter No: P-005/DJ.III/Hk.00.7/10/2021 in line with the principles taught by Wahbah Az-Zuhaili in his fiqh works. According to Wahbah Az-Zuhaili, *Shibhul Iddah* can be understood as a waiting period for men to ensure that there is no doubt in the marriage relationship and to respect the previous marriage bond. *Shibhul Iddah* in its application, Wahbah Az-Zuhaili explains that men will have an iddah period or waiting period when he does not have any obstacles or two mani' shari'I, namely because of two circumstances, namely avoiding the man having two women who are related by blood, or there are concerns regarding the accumulation of five wives.³⁶ This concept also aims to prevent two forms of violations of Sharia law. First, the prohibition on marrying a woman who is related to your ex-wife by blood (*get off the bed*). Wahbah Az-Zuhaili explained that this prohibition aims to maintain family honor and prevent internal conflict in marital relationships.

In the Koran, Islam also does not allow marrying two women of the same mahram at once, which is explained in the QS. An-Nisa: 23:³⁷ namely the meaning "*Forbidden to you (marry) your mothers, your daughters, your sisters, your father's sisters, your mother's sisters, the daughters of your brothers, the daughters of your sisters, your nursing mother, your nursing sisters, the mothers of your wives (in-laws), the daughters of your wives (stepchildren) who are in your custody from the wives you have mixed with, but if you have not mixed with your wives (and you have already divorced), it is not a sin for you (to marry her), (and it is forbidden for you) the wives of your own children*

³⁶ Ahmad Ali Masyhuda, "Pengaplikasian Teori Double Movement Pada Hukum 'Iddah Untuk Laki-Laki," *Hermeneutika : Jurnal Ilmu Hukum* 4, no. 1 (February 29, 2020), <https://doi.org/10.33603/hermeneutika.v4i1.3272>.

³⁷ Penerjemah, *Al-Qur'an Dan Terjemahannya*, 110.

(daughter-in-law), and (it is also forbidden) to bring together (in marriage) two women who are sisters, except (it happens at the time) that has passed. Indeed, Allah is Most Forgiving and Most Merciful.

Wahbah Az-Zuhaili's concept regarding the waiting iddah for men which is linked to the foundation of QS An-Nisa verse 23 states that it is forbidden for men to marry women who are still related to their wife, which is reinforced by the concept of Wahbah Zuhaili even though it is talak raj'i. It is stated that this situation will cause promiscuity in men because it can be categorized as mahrom muaqqat with the condition of marrying two brothers at the same time, unless the ex-wife's iddah period has finished first. Mahram muaqqat are people whose marriage is prohibited temporarily for certain reasons. If an obstacle no longer exists then the prohibition no longer applies.³⁸ Therefore men have a period of iddah due to the obstruction of the mahram.

Second, the prohibition on marrying more than four wives simultaneously, including if one of the wives is still in term *Iddah* divorce *Raj'i*. In this context, it is a man who divorces his wife in talak *Raj'i* still have the right to reconcile during the term *Iddah*. Therefore, marrying other women during the period *Iddah* can give rise to the potential for hidden polygamy which is contrary to sharia principles.

Islamic law in the Koran also emphasizes that men are prohibited from having more than four wives, as stated in the QS. An-Nisa: 3:³⁹ Meaning: *if you are worried that you will not be able to do justice to (the rights of) orphaned women (if you marry them,) marry (other) women that you like: two, three, or four. However, if you are worried that you will not be able to do justice, (marry) just one person or a female slave that you have. This is closer to not committing injustice.*

On the basis of the Qur'an, it explains that when you want to remarry more than one woman or what is called polygamy, there is a big responsibility that the man will face. Fairness applies to every woman who marries, starting from inner and outer livelihood. Talking about polygamy is of course talking about being allowed to marry more than one woman, but some circles of the Muslim community provide this shield so that they can marry more than one, that what must be understood when polygamy is that there are fair practices that must be carried out as outlined in the QS. An-Nissa verse 129. So it is explained that it will result in injustice for a woman if a man does not have a sense of responsibility that he carries out. So, related to this, the Circular Letter of the Director General of Islamic Community Guidance prioritizes women's rights after divorce so that men's obligations will still be carried out and not neglected.

From both concepts *Shibhul Iddah* Wahbah Az-Zuhaili is also similar to what is found in the Compilation of Islamic Law in Article 41 and 42 which gives evidence that men should wait when they want to remarry because at the time of the divorce of their ex-wife. In Article 41 regarding the prohibition of marriage, it states that: A man is prohibited from marrying his wife with a woman having a relationship of lineage or consanguinity with his wife; 1) biological, paternal or maternal siblings or their descendants; 2) a woman with her aunt or niece. The prohibition in paragraph (a) still applies even though his wives have been divorced by *raj'I*, but are still in the period of iddah⁴⁰

³⁸ Deminar et al., *Hukum Keluarga Islam Membangun Keluarga Bahagia Berdasarkan Tuntunan Alquran Dan Hadis* (Kota Padang, Sumbar: : UMSB Press (Anggota APPTIMA), 2022), 25.

³⁹ Penerjemah, *Al-Qur'an Dan Terjemahannya*, 104.

⁴⁰ Pasal 41 Kompilasi Hukum Islam tentang Larangan Perkawinan

It is explained that in Article 41, men are not allowed to marry women who are related by blood to their ex-wife unless they have completed their iddah period. then the new marriage can continue. For men whose wives die, they will also have a waiting period called the Mourning Period, which is contained in the Compilation of Islamic Law, Article 170 paragraph (2), which reads "Husbands whose wives die must carry out a period of mourning according to propriety." According to propriety, there is no definite clarity on the waiting time for men. However, it is estimated that the iddah time is the same as that applied for women.

In relation to the concept of Wahbah Az-Zuhaili, Compilation of Islamic Law in article 42 explains that "A man is prohibited from marrying a woman if the man has (four wives, all four of whom are still bound by marriage or are still in the period of iddah talaq raj'I or one of them is still bound by marriage while the other is in the period of iddah talaq raj'I".⁴¹

Implementation concept *Syibhul Iddah* in Wahbah Az-Zuhaili's jurisprudence, this occurred because of two Syar'I principles because there were several obstacles, some of which referred to Islamic foundations as the researcher explained above. From concept *Syibhul Iddah* Wahbah Az-Zuhaili, if linked to the Circular Letter of the Director General of Islamic Guidance at the Ministry of Religion Number: P-005/DJ.III/Hk.00.7/10/2021 which is applied to the Office of Religious Affairs, has differences in its application. That the concept applied in the Klojen District KUA is different from the concept of Wahbah Az-Zuhaili Fiqh. In the implementation carried out by the Klojen District KUA, it only concerns one ex-wife and whoever it is, the ex-husband is required to complete his wife's iddah first, then he will be able to continue administering his marriage.

Syibhul Iddah Through this Circular, it was carried out because it saw that upholding women's rights after divorce resulted in neglect of obligations carried out by ex-husbands towards their wives, especially in this day and age where divorce is rampant, when households do not get along and are not provided with support. So with this Circular providing benefits to ex-wives who are divorced, the Office of Religious Affairs as an agency feels that it is made easier and benefits the new woman they will marry.

From the results of this research, it can be concluded that policy *Syibhul Iddah* which is implemented in the KUA Klojen District has a strong basis in Islamic law and is relevant to the principles taught by Wahbah Az-Zuhaili. However, there is a need to strengthen the implementation of this policy by paying attention to broader sharia aspects, as proposed by Wahbah Az-Zuhaili. It is important to ensure that the policy *Syibhul Iddah* is not only an administrative rule, but also reflects the values of justice and equality taught in Islam.

Conclusion

The policy of *Syibhul Iddah*, as regulated in the Circular Letter of the Director General of Islamic Guidance of the Ministry of Religion No: P-005/DJ.III/Hk.00.7/10/2021, represents an innovative approach in Islamic marriage law in Indonesia. By mandating a waiting period for men before remarrying, this policy aims to achieve gender justice while maintaining adherence to Islamic legal principles. Its implementation at the KUA Klojen District demonstrates a commitment to protecting women's rights post-divorce, particularly by ensuring that men fulfill their obligations during the Iddah period, including financial support and other rights. This policy also

⁴¹ Pasal 42 Kompilasi Hukum Islam tentang Larangan Perkawinan

reflects a shift towards a more balanced marital relationship by preventing hidden polygamy and ensuring that remarriages are conducted responsibly. It aligns with Wahbah Az-Zuhaili's concept of *Syibhul Iddah*, which emphasizes moral and spiritual values, although the implementation at KUA is more focused on administrative compliance. This indicates a gap between the normative principles of Islamic law and practical state regulations.

Despite its positive impact on women's rights, the policy faces challenges in public acceptance due to a limited understanding of *Syibhul Iddah*. Many people still perceive Iddah as applicable only to women, leading to resistance, especially from men who feel their right to remarry is restricted. This resistance highlights the need for increased public awareness and education about the policy's objectives and benefits. To address these challenges, it is recommended that future research focuses on comparative analyses of *Syibhul Iddah*'s implementation across different regions to identify best practices and challenges influenced by cultural norms. Additionally, examining the impact on gender justice and marital relations would provide valuable insights into the policy's effectiveness in promoting equitable relationships. There is also a need to evaluate the effectiveness of public socialization programs to enhance understanding and acceptance of the policy.

Moreover, bridging the gap between normative Islamic principles and practical legal administration requires a more integrated approach. Future studies should explore the potential of harmonizing Wahbah Az-Zuhaili's moral perspectives with state regulations to create a comprehensive and just legal framework. Overall, policy *Syibhul Iddah* demonstrates significant potential for promoting gender justice and protecting women's rights, but its success depends on effective public education and a balanced integration of legal and spiritual principles..

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