



The Obligation to Provide Iddah Maintenance in Article 152 of the Compilation of Islamic Law

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Abstract: As stipulated in Islam, marital responsibilities will remain even after the marriage ends. Therefore, the term "maintenance" is known. The provision of maintenance is divided into two types: maintenance provided within marriage and maintenance provided outside of marriage. One type of maintenance provided outside of marriage is the iddah maintenance, which is the mandatory maintenance provided to the wife during her iddah period. However, its implementation deviates from the rules. The purpose of this study is to confirm the obligation of iddah maintenance for husbands. This type of research is an empirical juridical study with a case study approach. The research technique was conducted through observation and interviews with informants in Demangan Village, Bangkalan, using descriptive qualitative analysis techniques. Analyzing the applicable regulations, it is clear that the provisions of maintenance are well-regulated. However, in reality, many residents of Demangan Village deviate and refuse to fulfill their maintenance obligations. This study contributes to strengthening the sense of responsibility of providing iddah maintenance for husbands to their ex-wives during the iddah period of divorce.

Keywords: living, iddah, Islamic law

Abstract: *Sebagaimana diatur dalam islam, bahwa tanggung jawab pernikahan akan terus melekat bahkan sampai pernikahan itu putus. Maka dari itu, dikenal istilah nafkah. Pemberian nafkah dibagi menjadi 2 macam, yaitu nafkah yang diberikan dalam pernikahan dan nafkah yang diberikan di luar pernikahan. salah satu nafkah yang diberikan di luar pernikahan ialah nafkah iddah yaitu nafkah yang wajib diberikan kepada istri dalam waktu iddah nya. Namun, pelaksanaan nya menyimpang dari aturan nya. Tujuan penelitian ini adalah untuk menegaskan kewajiban nafkah iddah bagi para suami. Jenis penelitian ini merupakan jenis penelitian yuridis empiris dengan pendekatan kasus. Teknik penelitian dilakukan dengan observasi dan wawancara kepada para informan di Kelurahan Demangan, Bangkalan dengan teknik analisis kualitatif deskriptif. Apabila menganalisis aturan yang berlaku, sudah mengatur pemberian nafkah dengan baik. Namun pada kenyataan nya, banyak masyarakat kelurahan Demangan justru menyimpang dan tidak mau melaksanakan kewajiban nafkah nya. Penelitian ini memiliki kontribusi menguatkan rasa tanggung jawab pemberian nafkah iddah bagi para suami kepada mantan istri dalam masa iddah perceraian.*

Kata kunci : *nafkah, iddah, hukum islam*

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Introduction

Divorce is essentially divided into two types. First, divorce that can be reconciled (*raj'i*), where the husband can take his wife back while she is still in the waiting period (*iddah*). Second, a divorce that cannot be reconciled (*ba'in*) (Reftantia, Sari, Kurniawan, & Hapsari, 2024). There are two types of divorce. The first is *ba'in sugro*, where a wife is divorced once or twice through *khulu'*, where a husband divorces his wife on the condition that the husband receives compensation. In this case, the ex-husband cannot return to his wife through reconciliation, but only through remarriage. The second is *ba'in kubro*, where a wife is divorced three times by her husband. In this case, the ex-husband cannot remarry his ex-wife until she remarries, is divorced, and her *iddah* (waiting period) has expired. (Rahmaddani, 2023).

As regulated in Islam, the responsibilities of marriage will continue to be attached even until the marriage ends. (Susanti, 2023) Hence, the term "maintenance" is known. Maintenance is the husband's obligation to provide for his wife and children. Islam teaches that wives and children are held in high esteem and must be treated well. Maintenance is divided into two types: maintenance given within marriage and maintenance given outside of marriage. (Latif, 2022) Marital maintenance is the money used for daily living between husband and wife. Extramarital maintenance is the money a husband gives to his wife and children after a divorce. One such allowance is the *iddah* (waiting period) allowance, which is obligatory for the wife during her *iddah* (waiting period) (Faudzan, Pane, & Firdawaty, 2024).

Research conducted in Demangan Village, an urban area in Bangkalan Regency, revealed an interesting phenomenon worth examining and studying. Researchers interviewed several divorced women, most of whom did not receive their *iddah* maintenance from their husbands. The dominant reason cited was that the ex-husbands felt they no longer had any obligations after the marriage was legally dissolved. In fact, in some cases, women who filed for divorce were deemed "unentitled" to *iddah* maintenance because they were deemed to have abandoned their obligations as wives (Interviews, 2025).

This finding is crucial in highlighting the public's partial understanding of Islamic law. Many residents of Demangan Village are unaware that the right to *iddah* maintenance remains in place even if a divorce is initiated by the wife, as long as there is no evidence of *nusyuz*. This is despite Article 152 of the Compilation of Islamic Law (KHI). (Abdurrahman, 2021) Only eliminates the right to *iddah* maintenance if the wife is proven *nusyuz*, not simply because she is suing for divorce. Thus, proving *nusyuz* is a crucial aspect that cannot be determined unilaterally by the ex-husband.

Article 152 of the Compilation of Islamic Law (KHI) substantively protects women after divorce. However, this article presents interpretive issues in practice, particularly regarding how nusyuz status is proven in court. In this context, an inaccurate understanding of this provision can lead to legal injustice. (Khatima, Saeni, & Sampurno, 2023) What's more, SEMA No. 3 of 2018 only provides general direction regarding the provision of post-divorce maintenance, but does not fully explain the position of iddah maintenance in the context of contested divorce (SEMA, 2018).

The legal issue of the application of iddah maintenance has been discussed in several studies. The first was by Nining Alurianingsih, who analyzed the effectiveness of Article 152 of the Compilation of Islamic Law (KHI) regarding the implications of providing iddah maintenance in Central Lombok. (Himmah, Safudin, Oktafiani, & Alfia, 2022) The weakness of this study is that it only analyzes the effectiveness of the distribution of iddah maintenance, but does not address the position of the husband's obligation to provide iddah maintenance. The second legal study is Satriani's, which analyzes the mechanism for determining iddah maintenance for a wife who is in a state of nusyuz. (Saepudin, Yumarni, & Husein, 2024) This study has a weakness, namely, it only focuses on the division of alimony for wives who are in a state of nusyuz. The third study, by Sayyid Mubarak Ramzy, analyzes rulings on the division of alimony during the iddah period. (Ashraf & Muhtadin, 2023) Some of the above studies are certainly different from this study which focuses on analyzing the urgency and obligation to provide iddah maintenance according to Article 152 of the KHI, while previous studies discussed iddah maintenance due to a wife who is nusyuz, the implications of Article 152 of the KHI in other places, and studies of decisions concerning the provision of iddah maintenance.

This research focuses on analyzing the implementation of the iddah maintenance program in Demangan Village, Bangkalan. Academically, this research aims to provide theoretical contributions to the development of Islamic family law and women's rights studies. (Pratiwi & Juwita, 2023) This research will also examine legally and sociologically how religious courts consider demands for iddah maintenance, as well as how legal counseling at the sub-district level can be a solution in reducing the gap in public understanding of Islamic law (Mardani, 2015). Therefore, the urgency of this research is not only in the scientific aspect, but also concerns the dimension of social justice. (Adistyan, 2024) The need to reconstruct the understanding of Article 152 of the Compilation of Islamic Law (KHI) and strengthen the role of local governments and religious leaders in educating the public is crucial for creating gender equity within Indonesia's Islamic legal system. The case study in Demangan Village provides a micro-reflection of broader issues, relevant for systematic addressing.

Methods

This research uses an empirical juridical research type. (Rusli, 2018) This study aims to explore the facts in the field through observations in Demangan Village regarding the obligation to provide iddah maintenance to women during their iddah period. The reason for using the empirical juridical research method in Demangan Village is that there are many phenomena regarding the implementation of iddah maintenance in the area. In this study, the researcher used two types of data sources, namely primary and secondary. Primary data was obtained directly from the field through observation and interviews with informants such as men, women, and local community leaders. This was used to capture the empirical reality regarding the obligation to provide iddah maintenance in Demangan Village. Meanwhile, secondary data was used to strengthen the theoretical basis through literature reviews and other relevant sources. This was used to obtain an appropriate concept regarding the obligation to provide maintenance based on Article 152 of the Compilation of Islamic Law. The data analysis technique used in this study was descriptive qualitative analysis. Although the Compilation of Islamic Law is not a law, the collection of fatwas contained therein is often referred to as a legal basis in religious court proceedings. The data collection procedure was carried out using two main methods, namely direct observation in the field to understand social phenomena contextually and in-depth interviews that were open and flexible to dig up detailed information from informants who played an important role in the practice of this tradition.

Result and Discussion

Result

Overview of Research Location

Demangan Village is one of the villages located in the area of Bangkalan District, Bangkalan Regency, East Java Province. Demangan Subdistrict is one of 13 subdistricts and villages in Bangkalan District, Bangkalan Regency. The people of the Demangan sub-district are 100% Muslim. The people of the Demangan sub-district, like the Madurese community in general, have a very strong Islamic nuance. This is reflected in their daily religious activities, such as the five-time call to prayer in mosques and prayer rooms, the existence of Koran recitation activities for children in mosques and prayer rooms before sunset until Isha. The majority of the Padurungan community adheres to the Ahlus Sunnah wal Jamaah school, namely the Nahdlatul Ulama (NU) organization, as evidenced by carrying out religious rituals, such as qunut during the dawn prayer, tarawih with twenty rakaat, tahlilan, and holding commemorations of Islamic holidays such as Isra'-Mi'raj, the Prophet's birthday, and nuzulul Qur'an. The social conditions of the Padurungan community have a character of high concern for their surroundings. So it is not surprising that they work together to create order. (Dahlan, 2023)

The Demangan community embraces both formal and non-formal education. Formal education for the majority of the population is limited to high school. It is rare for residents to pursue higher education beyond the first, second, or third levels. Non-formal education is primarily pursued at traditional Islamic boarding schools (pesantren) in Bangkalan and other parts of Java. Economically, the majority of Demangan residents are farmers and traders. While everyone in Demangan has varying levels of income, the majority live in the lower-middle class. Those who rely on agriculture for their livelihood depend on their harvests.

The Demangan Community's Conceptual Understanding of Iddah Livelihood

The researcher asked questions to three female informants who had experienced divorce. The questions asked were "What is your understanding of iddah living from an Islamic perspective or point of view? Explain!" The following is a presentation of the results of the interview that was conducted.

"In my understanding, iddah maintenance is the maintenance that must continue to be provided by the ex-husband for basic needs, if there are children for the children's needs, and even a place to live for the ex-wife and her children during the waiting period. (Source: Interview with Aisyah, May 5 and June 11, 2025).

"As far as I know, iddah maintenance is a woman's right after divorce, during the iddah period, during which the ex-husband is still obligated to provide maintenance, even though they are divorced. This is a form of final responsibility as a husband and protection for women in the transitional period after marriage. (Source: Interview with Khotijah, May 10 and June 3, 2025).

"As far as I know, iddah maintenance is the right of a newly divorced wife to continue receiving support during the iddah period, usually three months. I believe it's to allow time for adjustment and protect women's rights." (Source: Interview with Laila, May 13 and June 7, 2025).

The first informant, Aisyah, explained that iddah maintenance is the maintenance that an ex-husband must provide to his ex-wife, covering basic needs, including the needs of children and housing if there are children in the marriage. She also stated that the iddah period is calculated based on three menstrual periods, which is estimated to last approximately three months. During this period, she said, the ex-husband remains responsible for providing maintenance to his ex-wife. The second informant, Khotijah, reinforced this understanding by stating that iddah maintenance is a woman's right after a divorce. She emphasized that the obligation to provide maintenance even though the marital status has ended is a form of a husband's final responsibility and a form of protection for women undergoing a post-divorce transition. The third informant, Laila, made a similar statement, stating that iddah maintenance is the right of a divorced wife and must still be provided during the iddah period, which, in her understanding, lasts approximately three months. She also emphasized the function of iddah maintenance as a form of

protection and an effort to provide time for women to adapt to changes in status and life after marriage.

The researcher asked questions to three male informants who had experienced divorce. The questions asked were "What is your understanding of iddah living from an Islamic perspective or point of view? Explain!" The following is a presentation of the results of the interview that was conducted.

"From what I understand, the iddah maintenance is the husband's obligation after a divorce to continue supporting his ex-wife during the iddah period. The purpose is to honor the marriage bond and give the woman time to recover psychologically and financially." (Source: Interview with Zainul, May 7 and June 12, 2025).

"As far as I know, iddah maintenance is a husband's responsibility to his divorced wife during the iddah period. Even though they are legally divorced, in Islam, a husband is still obligated to provide maintenance during this waiting period. This is especially true if he finds out his ex-wife is unemployed or has a low income." (Source: Interview with Syarif, May 12 and June 14, 2025).

"I generally understand that iddah maintenance is an ex-husband's obligation to his wife after a divorce. But honestly, I didn't really think much about it before, because during the divorce process, I was more focused on how to get a divorce quickly and emotionally, especially considering my ex-wife's repeated infidelity." (Source: Interview with Yusron, May 18 and June 15, 2025).

Based on interviews with three male informants, Zainul, Syarif, and Yusron, they revealed varying understandings of the concept of iddah maintenance from an Islamic perspective. In general, all three understood iddah maintenance as an obligation that must be fulfilled by the ex-husband to his ex-wife after a divorce, but with varying backgrounds and emphases.

Zainul emphasized that iddah maintenance is a form of respect for the existing marriage bond. He views that providing maintenance during the iddah period is not merely material, but also has moral and emotional dimensions, namely providing space for the ex-wife to recover psychologically and economically after the divorce. This demonstrates a fairly comprehensive understanding of the meaning of iddah maintenance as a humane and Islamic form of transition. Meanwhile, Syarif explained that iddah maintenance is a form of responsibility that remains with the husband even after the marriage has ended. He highlighted the importance of women's economic well-being after divorce, especially if the ex-wife is unemployed or has a low income. In his view, Islam still protects women in vulnerable situations by requiring the provision of maintenance during the iddah period.

Unlike the two previous informants, Yusron demonstrated a more general and limited understanding of the concept of iddah maintenance. He acknowledged that iddah maintenance is a husband's obligation to his ex-wife, but lacked direct experience in internalizing or fully implementing it. This was due to the emotional

state that dominated the divorce process, which he believed was triggered by his ex-wife's infidelity. This perspective illustrates how the personal dynamics of the divorce process can influence the understanding and implementation of Islamic legal principles, including those concerning iddah maintenance.

Based on the interview results, it can be concluded that the informants generally understand that iddah maintenance is an obligation of the ex-husband to his ex-wife, which applies during the iddah period after divorce. This understanding encompasses legal, moral, and social dimensions, such as respect for the marriage bond, protection for women in transition, and economic responsibility. However, the interviews also indicated that personal experience and emotional state can influence the extent to which individuals fully understand and apply the concept of iddah maintenance. This indicates that the implementation of Islamic law in domestic life is often contextual and influenced by the psychological and social factors of each individual.

In addition, researchers also posed questions to representatives from the Bangkalan Regency Religious Court, asking, "What is your understanding of the iddah period of living from an Islamic perspective? Explain!" The following is a presentation of the interview results.

"Simply put, iddah maintenance is an obligation of an ex-husband to his ex-wife during the iddah period or after a divorce. In Islam, it is a husband's final responsibility, marking the end of a marriage. It's not just about money; it's also a way of respecting women, not just a legal formality." (Source: Interview with Syaefuddin, July 1 and 2, 2025).

Based on the results of interviews with informants representing the Religious Court, namely Syaefuddin, it was discovered that the understanding of iddah maintenance from an Islamic perspective is interpreted not only as a material obligation, but also as a form of moral and spiritual responsibility from the ex-husband to his ex-wife. Syaefuddin explained that iddah maintenance is an obligation that must be fulfilled by an ex-husband to his wife during the iddah period after a divorce. In his view, Islam views this obligation as a form of final responsibility carried out by a husband to his wife, as well as a dignified closure for a marital relationship that has ended. Then, Syaefuddin emphasized that iddah maintenance is not only about meeting economic needs, but also a form of respect for women. Therefore, he sees that the implementation of iddah maintenance is not permitted to be interpreted as a mere legal formality, but must be understood as part of Islamic ethics and teachings that uphold justice and respect for women, even after the marriage relationship has ended.

The researcher asked questions to three female informants who had experienced divorce. The questions asked were "Have you ever heard of or heard of

Article 152 of the Compilation of Islamic Law? If so, please explain your understanding of it! The following is a summary of the interview results.

"I never knew what that article meant, but during my divorce, the courtroom and my relatives explained Article 152 of the Compilation of Islamic Law (KHI). In short, that article stipulates my rights as a former wife in the form of iddah (waiting) maintenance, which I must receive from my ex-husband. Furthermore, my divorce was not due to any fault of my own, so I was entitled to receive iddah maintenance at that time." (Source: Interview with Aisyah, May 5 and June 11, 2025).

"I heard about this after the divorce proceedings. The article essentially states that the ex-husband is still obligated to provide maintenance during the iddah period, unless the wife disobeys her husband. But in my case, I was deemed to have no such right, even though the divorce was due to domestic violence and infidelity." (Source: Interview with Khotijah, May 10 and June 3, 2025).

Based on the description of the results of interviews with three informants, namely Aisyah, Khotijah, and Laila, it shows that they have varying levels of knowledge regarding Article 152 of the Compilation of Islamic Law (KHI). Aisyah stated that she was not aware of the contents of Article 152 of the KHI before the divorce process began. However, after entering the legal process, she received an explanation from the court and relatives regarding the contents of the article. Based on her understanding, the article affirms the right of the ex-wife to receive iddah maintenance if the divorce was not caused by her fault. Aisyah believes that her position as the innocent party in the divorce strengthens her right to iddah maintenance, as regulated in Article 152 of the KHI.

Meanwhile, Khotijah stated that she learned about the article when she was already in the divorce process. She understood that the article provides an exception for wives who are deemed to be disobedient to their husbands, resulting in the loss of their right to iddah maintenance. However, she expressed dissatisfaction with the implementation of the article because, in her case, even though the cause of the divorce was domestic violence (KDRT) and infidelity committed by her ex-husband, she was still deemed not entitled to iddah maintenance. This indicates a potential imbalance in the application of the article in legal practice. Laila, a third informant, stated that she had heard of Article 152 of the Compilation of Islamic Law (KHI), but did not fully understand its legal substance. According to her understanding, the article stipulates the ex-husband's obligation to provide iddah and mut'ah maintenance after divorce. However, in her personal experience, these provisions were not implemented, thus depriving her of her rights as an ex-wife. This statement indicates a gap between legal norms and their implementation in social and legal practice.

The researcher asked questions to three informants who were community leaders who knew about the iddah living that was taking place in their environment.

The questions asked were "Have you ever heard of or heard of Article 152 of the Compilation of Islamic Law? If so, please explain your understanding of it! The following is a summary of the interview results.

"Yes, I'm very familiar with Article 152 of the Compilation of Islamic Law (KHI). This article states that the ex-husband is obliged to provide maintenance, temporary housing, and accommodation during the iddah period, except for the wife who is disobedient (nusyuz). This provides legal protection for women and ensures that the husband continues to fulfill his obligations even after the marriage has ended. (Source: Interview with Mustangin, April 28 and June 1, 2025).

From an Islamic perspective, this understanding aligns with the principle that a husband's responsibility to his ex-wife remains in effect during the post-divorce transition period. Islam places the iddah maintenance as part of the protection of women, as well as a just and honorable resolution to a terminated marriage. Therefore, it can be concluded that the iddah maintenance is understood as both a legal obligation and a moral mandate in Islamic teachings, as stipulated in Article 152 of the Compilation of Islamic Law (KHI). However, its implementation in the judicial system emphasizes the importance of legal formalities, namely the requirement for a divorce oath before a judge for this obligation to be enforced. This understanding demonstrates the integration of Islamic legal norms and positive legal practices in Indonesia, although in its implementation, there are still discrepancies between the normative text and the reality on the ground.

The Practice of Providing Iddah Maintenance in the Demangan Community

Researchers asked questions to six female and male informants who had experienced divorce. The questions asked were "How is the granting process carried out? Through the courts, private agreements, or not at all? The following is a presentation of the results of the interviews conducted.

"The process is either through the courts or a court decision. There was a discussion there, because essentially, I was ready to separate and didn't want to rely on my husband for maintenance, nor did I want to burden him. Since it's an obligation and has become a legal requirement, I finally received the iddah maintenance." (Source: Interview with Aisyah, May 5 and June 11, 2025).

"It was not done at all, not through the courts or private agreements." (Source: Interview with Zainul, May 7 and June 12, 2025).

"It wasn't done at all, either through the courts or through an agreement. (Source: Interview with Khotijah, May 10 and June 3, 2025).

"We agreed on it privately. My ex-wife and I had a good talk, and I transferred the money every month during the iddah period." (Source: Interview with Syarif, May 12 and June 14, 2025).

"Yes, because there's no maintenance, there's automatically no process. It doesn't go through the courts, and there's no agreement." (Source: Interview with Laila, May 13 and June 7, 2025).

Aisyah was the only female informant who reported that the iddah maintenance was awarded through a court process. She also explained that although she personally no longer expected maintenance from her ex-husband and did not want to burden him, because the provision of iddah maintenance is part of the legal provisions, it was still decided in court. During the process, discussions took place between the parties involved before a final decision was made. Syarif then explained that the provision of iddah maintenance was made through a private agreement between himself and his ex-wife. He also emphasized good communication during the divorce process and that he directly provided monthly maintenance during the iddah period. This practice demonstrates that personal awareness of moral responsibility can encourage the fulfillment of obligations even without the intervention of formal legal institutions.

In contrast to the two informants mentioned above, four other informants – Zainul, Khotijah, Laila, and Yusron – said that there was no process for granting iddah maintenance at all, either through legal channels or through private agreement. Khotijah specifically emphasized that although the court had declared her entitled to iddah maintenance, her ex-husband never paid it. This reflects the weak enforcement of court decisions in this context. Zainul and Laila emphasized that there was no discussion or attempt to agree on the maintenance, even during the divorce proceedings. Meanwhile, Yusron stated that there was no process for granting iddah maintenance because, according to him, his ex-wife no longer deserved maintenance after being proven to have cheated on him, and therefore, the issue was never discussed in court.

Based on all the interview results above, it is clear that the process of providing iddah maintenance in divorce practice in society is not yet implemented consistently and systematically. Of the six informants, only one underwent the formal process through a court decision, and another through a private agreement. The rest of the informants reported no iddah maintenance at all, either legally or informally.

This phenomenon reflects a gap between legal norms and implementation in the field. Although providing iddah maintenance is obligatory under religious and state law, in practice, it is highly dependent on individual awareness, the dynamics of the couple's relationship, and emotional factors during and after the divorce. Even when this right has been established in court, it is not always followed by compliance by the obligated party, as experienced by informant Khotijah. Therefore, strengthening the legal implementation and oversight mechanisms regarding iddah maintenance is necessary, as well as providing legal and moral education to the public regarding the importance of fulfilling post-divorce rights, especially for women who are in a more vulnerable position than men.

Researchers asked questions to six female and male informants who had experienced divorce. The questions asked were "Is the provision of iddah maintenance carried out voluntarily or through a court decision? The following is a presentation of the results of the interviews conducted.

"I believe my ex-husband voluntarily provided the iddah maintenance, even though it had been determined in court. He probably thought that the money he gave me would be used for my children's needs. (Source: Interview with Aisyah, May 5 and June 11, 2025).

"I didn't do it. The small amount of assistance I provided was purely out of moral responsibility for my children and ex-wife, not a legal decision." (Source: Interview with Zainul, May 7 and June 12, 2025).

"Since there is no giving at all, it is automatically not done through either of them.". (Source: Interview with Khotijah, May 10 and June 3, 2025).

"I did it completely voluntarily. I feel this is my responsibility as a man, as well as avoiding negative words or news towards me". (Source: Interview with Syarif, May 12 and June 14, 2025).

"There's nothing at all. So there's no decision on that." (Source: Interview with Laila, May 13 and June 7, 2025).

"It wasn't done at all, so the mace is a process." (Source: Interview with Yusron, May 18 and June 15, 2025).

Based on the descriptions of the interviews with the six informants above, it can be identified that the implementation of the iddah maintenance, when it occurs, generally does not rely entirely on court decisions but rather relies more on the personal initiative and moral conscience of the ex-husband. This is reflected in the various experiences of the informants.

Aisyah stated that although the iddah maintenance she received was stipulated by a court ruling, its implementation was more voluntary because her ex-husband consistently provided it, even exceeding the stipulated amount. She also added that the provision was based on her ex-husband's belief that the money would ultimately be used for their children's needs. Zainul, her ex-husband, further stated that he never provided iddah maintenance based on a court ruling. However, he continued to provide incidental assistance out of moral responsibility without legal obligation.

Khotijah revealed that there was no provision of iddah maintenance at all, either voluntarily or based on a court decision. Therefore, there is no relevant legal or personal process in this context. Syarif then emphasized that he provided iddah maintenance entirely voluntarily without any compulsion from a court decision. The motivation for providing this maintenance arose from his self-awareness as a responsible man and to avoid negative societal perceptions of his post-divorce status.

Laila also stated that no iddah maintenance had ever been provided, so there was no legal basis or voluntary process relevant to the researcher's questions. Yusron then echoed this statement, stating that there was no iddah maintenance process at all, so no provision was made, either through a court order or on personal initiative.

Discussion

Provision of Iddah Maintenance in Article 152 of the Compilation of Islamic Law in Demangan Village

The obligation to provide maintenance is not an unfounded command. It has a clear legal basis. (Latif, 2022) The first legal basis is the Koran. The Al-Qur'an is the main source for determining iddah living obligations. In Surah Al-Baqarah, verse 241, it is stated:

"And for divorced women, mut'ah should be given according to what is appropriate, as an obligation for pious people." (QS. Al-Baqarah: 241).

The verse above explicitly emphasizes the obligation to provide mut'ah (support or gifts) after divorce as a form of protection for women. Meanwhile, Surah Al-Baqarah verse 236 strengthens the moral and just basis for women's rights after separation. Apart from the Qur'an and hadith, it also regulates the practice of providing iddah maintenance, including the hadith narrated by Bukhari and Muslim from Fatimah bint Qais, which is the basis for differences of opinion among schools of thought regarding the obligation to provide maintenance for wives who have been divorced by talaq ba'in. In the practice of the Syafi'i school of thought that is dominant in Indonesia, a divorced wife is still entitled to receive maintenance during the iddah period, unless she is in a state of nusyuz (disobedience) or is divorced due to serious misconduct. (Dharmawan & Wijayanto, 2023)

The second legal basis is fiqh and the madhab approach. Classical fiqh books such as Fathul Mu'in and Al-Mughni state that iddah maintenance is part of the ex-husband's responsibility to his divorced wife, especially if the divorce occurs under normal circumstances (not because of nusyuz). (Rasyid & Azis, 2023)

In Fathul Mu'in, it is stated:

"A woman who has been divorced has the right to receive maintenance and a place to live during the iddah period, unless she is in a state of nusyuz."

The Shafi'i school of thought, which is adhered to by the majority in Indonesia (especially in Madura), emphasizes that iddah maintenance is given during the iddah period, even when the woman is not pregnant, as a form of fulfilling the rights inherent in the ex-wife.

The third legal basis is the positive law applicable in Indonesia. In the context of positive law, iddah maintenance is regulated in several regulations, namely the Compilation of Islamic Law (KHI) Article 152 which states that "The former husband is obliged to provide maintenance, adequate mut'ah, and accommodation to the former wife during the iddah, unless the former wife has been sentenced to divorce

or nusyuz." Law Number 1 of 1974 concerning Marriage (Article 41 letter c) states that the husband's obligation to fulfill the living needs of his former wife can be decided by the court. Supreme Court Circular Letter (SEMA) No. 3 of 2018 provides guidance to judges in deciding women's rights after divorce, including iddah and mut'ah maintenance. (Aini, 2023)

The results of the study in Demangan Village showed a common understanding of the basic iddah maintenance. Iddah maintenance is an obligation of the ex-husband to his ex-wife after a divorce. The three female informants understood that iddah maintenance must be provided during the iddah period, namely the waiting period after a divorce, which according to Islamic law usually lasts for three menstrual periods for women who are still menstruating or three months for those who are no longer menstruating (QS. At-Talaq [65]: 4).

Normatively, the informants' views align with Islamic jurisprudence, which stipulates that iddah maintenance is the former husband's responsibility to meet his ex-wife's needs during the iddah period. This is affirmed in various classical and contemporary Islamic legal sources. (Haq, Bahar, & Azwar, 2024) In Imam al-Syafi'i's book *al-Umm*, it is explained that a husband remains obligated to provide maintenance during the iddah period to a wife divorced by *raj'i* divorce as a continuation of the still-pending marital rights. This view is also reflected in Article 149 (b) of the Compilation of Islamic Law (KHI), which states that "a former husband is obligated to provide maintenance during the iddah period to his former wife, unless the former wife is in a state of nusyuz (nusyuz) and is not pregnant."

More than just a legal obligation, informants understand that the iddah maintenance has moral and social implications. As emphasized by Ibn 'Asyur (2006) in his monumental work *Maqashid al-Syari'ah al-Islamiyyah*, one of the goals of sharia is to safeguard human welfare (*maslahah*), including in the context of protecting women. By providing iddah maintenance, the ex-husband participates in safeguarding *al-nafs* (soul) and *al-'ird* (honor), two of the five main principles of *maqashid sharia*. Informants also view iddah maintenance as a form of respect for the marital bond that has been established. (Asnawi, 2016) In the concept of *maqashid sharia*, this reflects the principle of *hifz al-nasl* (protecting offspring) and *hifz al-mal* (protecting property), because women who are in the iddah period have the right to live decently, be protected, and not be left in economic difficulties. (Kholid, Zaki, & Syukur, 2023)

However, interviews also revealed that the implementation of the iddah maintenance is not always ideal. Several factors, such as personal experiences, emotional states after divorce, and the relationship between the ex-husband and wife, can influence the extent to which the concept is fully understood and implemented. This perspective reinforces Roscoe Pound's sociological jurisprudence theory, which states that law in practice cannot be separated from social conditions

and human experience (Pound, 1959). This demonstrates that the iddah maintenance, despite its strong Sharia basis, still requires a contextual and humanistic approach in its implementation.

Based on the interviews, it can be concluded that the iddah maintenance is understood not only as a form of fulfillment of legal obligations by the ex-husband, but also as a form of justice, protection, and respect for women during the transition period after divorce. The informants' understanding points to the maqasid sharia approach, where Islamic law encompasses not only commands and prohibitions but also humanitarian values and social justice.

Normatively, Article 152 of the Compilation of Islamic Law (KHI) states:

"The ex-husband is obliged to provide maintenance costs to the ex-wife whom he divorced during the iddah, unless the ex-wife has been given talak ba'in or nusyuz and is not pregnant."

This article codifies Islamic jurisprudence norms adapted to the context of Indonesian national law. Theoretically, it reflects the principle of protecting women after divorce, as part of the principle of justice and the husband's responsibility, which remains inherent during the iddah period. (Yulianti, Abikusna, & Shodikin, 2020) However, in reality, in Demangan Village, there are many deviations from the applicable regulations. According to informants, brides are aware of their right to iddah maintenance, but only after entering the legal process. This indicates that access to legal information remains low, and the implementation of Article 152 of the Compilation of Islamic Law (KHI) does not always run as intended. Obstacles include unclear evidence of the party committing nusyuz, unequal bargaining power in court, and minimal legal assistance. (Nengsih, 2021) Based on Hans Kelsen's (2005) perspective, legal norms must be enforced through an effective judicial system. However, the imbalance between *das sollen* (what should be) and *das sein* (the reality that occurs) remains evident in the implementation of this article. (Himmah et al., 2022)

The group of groom informants showed a rather incidental and limited understanding of Article 152 of the KHI. One informant (Syarif) understood the content and meaning of the legal obligations normatively, but the other two did not. This indicates the weak legal literacy of the community, especially regarding Islamic family law. (Yilmaz, 2021) In a sociological legal approach, social, cultural, and educational factors influence the effectiveness of legal implementation. Meanwhile, according to the informant group, community leaders demonstrated a comprehensive and structured understanding of Article 152 of the Compilation of Islamic Law (KHI), both from the perspective of positive legal norms and sharia principles. (Satriani, Marilang, & Syamsuddin, 2024) They recognize the several functions of this article, including affirming the husband's social and moral responsibilities, guaranteeing justice and protection after divorce, and realizing

integration between Islamic law and national law (Afrizal & Lelah, 2021). Based on Lawrence M. Friedman's (2001) perspective, the success of law depends on three subsystems: legal substance, legal structure, and legal culture. These three informants are in positions with a strong legal culture, making them better able to translate legal norms into social practice (Satriani et al., 2024).

The analysis above demonstrates an implementation gap between legal texts and social reality. This reinforces the view that positive Islamic law in the context of the iddah period has not been fully accepted as part of collective legal consciousness. (Rahmat Kurniawan, 2023) This is especially true in communities unfamiliar with litigation forums or formal legal processes. Furthermore, emotional and patriarchal cultural factors, such as the belief that women who file for divorce are not entitled to alimony, also contribute to the unsustainability of the iddah maintenance practice. This demonstrates that, in addition to legal issues, there are also structural and cultural problems in the implementation of post-divorce justice. (Kusumawardani & Pranoto, 2020)

This is evident in the three patterns of implementation of maintenance provision in Demangan Village. The first pattern is through the courts, as demonstrated by informant Aisyah, who emphasized that although she did not want maintenance from her ex-husband, because it was part of the legal process, the provision of maintenance during the iddah period was still included in the court decision. This reflects that formal channels remain a legitimate instrument in upholding women's rights. The second pattern is through personal agreements. Syarif demonstrates that personal moral awareness can replace the formal function of legal institutions. Even without court intervention, he still fulfills his obligation to provide maintenance during the iddah period based on communication and mutual agreement. This is by the theory of legal consciousness, which states that an individual's understanding and awareness of the law can influence their legal behavior.

The third pattern, "Not Enforced at All," states that four of the six informants stated that the iddah maintenance was not provided. This non-compliance is based on emotional factors (conflict), perceptions of eligibility (such as the wife being deemed unworthy of receiving it because she sued or had an affair), and the lack of discussion in court. This demonstrates the weak effectiveness of the law in society due to the absence of a strong law enforcement mechanism and low legal literacy in the community.

Conclusion

The implications of providing child support in Demangan Village can be considered far from effective. Although legal norms are in place, their effectiveness is still influenced by legal structures, community culture, and access to information. This is due to a lack of awareness on the part of ex-husbands, a lack of support from

community leaders, and a lack of enforcement by the courts. The author offers several policy recommendations to promote the effective implementation of the iddah maintenance. First, efficient implementation of religious court decisions is needed to prevent men from easily abdicating their responsibilities. Furthermore, the involvement of community leaders and strengthening awareness of the obligation to provide maintenance are essential. This ensures that maintenance is carried out out of an awareness of the obligation, not due to coercion from others. This research certainly still has many shortcomings. In reality, many legal issues in society still require solutions from academic researchers. Therefore, the author strongly encourages other researchers to continue this research to address any gaps in existing legal issues. Furthermore, the author is open to criticism and suggestions for this research, to create better and more useful research.

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