

Regulation of the Director General of Islamic Guidance on Marriage of Husband during Wife's Iddah Period: An Effort to Develop Family Law in Indonesia

M. Miftahudin¹

¹) University of Nahdlatul Ulama' Lampung

Abstract: This research examines the husband's marriage during his wife's iddah period at the Office of Religious Affairs in Lampung Province. This type of research is field research, which is conducted at the KUA throughout Lampung Province, as a sample of Bandar Lampung City, Metro City and East Lampung Regency. Data sources in this research are primary and secondary data sources. Data analysis in this research uses qualitative methods and uses mashlahah theory. The result of the study is that the Circular Letter of the Director General of Islamic Guidance Number P-005/DJ.III/HK.00.7/10/2021 concerning Marriage of Husband in Wife's Iddah Period, is a regulation that regulates the prevention of husbands who want to marry during their wife's iddah period. The existence of this prevention is an effort to create balance between men and women in iddah arrangements, this will have an impact on the value of gender justice and create benefits between couples. Then by seeing that the existence of male iddah aims at gender justice, and kemashlahatan, it needs to be studied further to be regulated in legislation. The position of Circular Letter of the Director General of Islamic Guidance Number P-005/DJ.III/HK.00.7/10/2021 concerning Marriage during the Wife's Iddah Period has the status of a government policy, so according to the researcher's analysis, there should be a follow-up regulation to the legislative stage so that it becomes the status of a law, which can bind generally and widely, and has a higher legal force than a circular letter.

Keyword: Marriage, Husband, Iddah Period, Wife, Lampung Province

Abstrak: Penelitian ini mengkaji tentang pernikahan suami dalam masa iddah istri di Kantor Urusan Agama se-Provinsi Lampung. Jenis penelitian ini adalah penelitian lapangan (field research), yang dilakukan di KUA se-Provinsi Lampung, dengan mengambil sampel Kota Bandar Lampung, Kota Metro, dan Kabupaten Lampung Timur. Sumber data dalam penelitian ini adalah sumber data primer dan sekunder. Analisis data dalam penelitian ini menggunakan metode kualitatif dan menggunakan teori mashlahah. Hasil dari penelitian ini adalah bahwa Surat Edaran Direktur Jenderal Bimbingan Masyarakat Islam Nomor P-005/DJ.III/HK.00.7/10/2021 tentang Perkawinan Suami dalam Masa Iddah Istri, merupakan peraturan yang mengatur tentang pencegahan bagi suami yang ingin menikah dalam masa iddah istrinya. Adanya pencegahan ini merupakan upaya untuk menciptakan keseimbangan antara laki-laki dan perempuan dalam pengaturan iddah, hal ini akan berdampak pada nilai keadilan gender dan menciptakan kemaslahatan antar pasangan. Maka dengan melihat bahwa keberadaan iddah laki-laki bertujuan untuk keadilan gender, dan kemashlahatan, perlu dikaji lebih lanjut untuk diatur dalam peraturan perundang-undangan. Kedudukan Surat Edaran Direktur Jenderal Bimbingan Masyarakat Islam Nomor P-005/DJ.III/HK.00.7/10/2021 tentang Perkawinan dalam Masa Iddah Istri berstatus sebagai kebijakan pemerintah, sehingga menurut analisis peneliti, perlu adanya tindak lanjut pengaturan ke tahap legislasi agar menjadi berstatus sebagai undang-undang, yang dapat mengikat secara umum dan luas, serta memiliki kekuatan hukum yang lebih tinggi dari surat edaran.

Kata Kunci: Perkawinan, Suami, Masa Iddah, Istri, Provinsi Lampung

Corresponding Author: M. Miftahudin (m.miftahudin1973@gmail.com)

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A. Introduction

The Qur'an states that Allah created humans in pairs and provides affection between them, as He says in Surah Ar-Rum verse 21:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ
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Meaning: "And among His signs (of greatness) is that He created for you mates of your own kind, that you may be inclined to them and feel secure in them, and He made between you love and affection. Indeed, in such there are signs (of Allah's greatness) for those who think." (Ministry of Religious Affairs, 2013)

Islam stipulates that the marriage contract is held for all time, so that the marriage will last until death separates them. Lasting marriage is a very desirable goal for Islam. (Dewani Romli, 77) That way there is a physical and mental bond between husband and wife who will live under one roof. The reality of human life proves that there are many things that make the household destroyed (broken home) despite a lot of direction and guidance, namely with conditions that must be faced practically. Islam does not immediately reconcile household relationships by separating at the beginning of the disaster (dispute). (Abdul Aziz, 2009)

Islamic law provides a way out, by packaging the rules to find a solution that is truly a last resort (*dharurat*) for households that can no longer be maintained. The solution in question is divorce (*talaq*) and this solution can only be allowed in very forced circumstances. As when the couple can no longer be invited to find a peaceful way to reconcile. Therefore, Islam recognizes the possibility of husband and wife disputes and disagreements in the family environment, provides solutions, tells the various causes that go along with the events that occur. (Ali Yusuf As-Subkhi, 2012, 299)

A marriage can break up and end because of a divorce by the husband to his wife, even though divorce is basically a lawful act but hated by Allah. *Talak* is to untie the marriage bond and end the relationship between husband and wife. According to its nature, divorce is divided into two, namely *raj'i* divorce and *ba'in* divorce. (Sayyid Sabiq, 2015, 455)

During *the Iddah* period, a woman is not allowed to marry or accept proposals from other people, because the woman has not fully separated from her husband, as mentioned in Article 152 KHI. (Compilation of Islamic Law, end) If *the Iddah* period has expired, the marriage relationship is only terminated. The aim is to avoid confusion of the child's lineage if the woman becomes pregnant, and if her husband dies, this period is a period of mourning from the death of her husband. In addition, it is also to determine the period of *ruju'* for her husband, if the *Iddah* period has expired and her ex-husband wants to *ruju'*, then a new marriage must be used, because a woman who has been divorced from a *raj'i* divorce and the *Iddah* period has expired is another person for his former wife.

Currently, there is a regulation of the Circular Letter of the Directorate General of Islamic Guidance Number: P.005/DJ.III/Hk.007/10/2021 concerning Marriage in *the Iddah* Period of Wife. The regulation provides technical instructions to the Office of Religious Affairs, to prevent the marriage of a man whose wife is still in *the iddah* of divorce. The reason for the regulation aims to create that marriage is a sacred thing, so that it is carried out as well as possible, in which it should not contain

elements of the game by easily marrying and easily divorcing. However, if a divorce occurs, it has legal consequences in the form of *iddah* carried out by the wife. (Circular Letter of the Directorate General of Islamic Guidance Number: P.005/DJ.III/Hk.007/10/2021)

Circular Letter of the Directorate General of Islamic Guidance Number: P.005/DJ.III/Hk.007/10/2021 implies that men also have an *iddah* period, in the form of being prevented from marrying another woman before the expiration of the wife's *iddah* period.

The results of preliminary research show that there are 4 people in East Lampung Regency who marry other women while their ex-wives are still in the *iddah* period. And many of these people do not know about the Circular Letter of the Director General of Islamic Guidance Number P-005 / DJ.III / HK.00.7 / 10/2021 concerning Marriage during the Iddah Period of the Wife on the grounds that some of the people have not received socialization from the authorized officials. As for the issuance of the circular letter, it is a reference for the implementation of marriage registration for ex-husbands who will marry other women during their *iddah* period, which this circular letter aims to provide certainty in the procedures and procedures for marriage registration for ex-husbands who will marry other women during their wife's *iddah* period.

Previous relevant research, Journal by Fitria Olivia, the results of the study that based on the decision of the religious court, the marriage that was carried out in the *iddah* mass was said to be an invalid marriage. Women who are still in the *iddah* period, including the category of women who are forbidden to marry at a certain time, until the *iddah* period ends. If the marriage during the *iddah* period has not yet taken place, this marriage can be prevented, while if the marriage has been carried out, the marriage can be canceled. Meanwhile, the Supreme Court's decision is not in accordance with existing legislation, because it does not look at the *iddah* period. For that reason, the parties concerned should carefully examine before carrying out a marriage. (Fitria Olivia, 2021)

Journal by Jauharataun, The results of this study concluded that: According to Palangka Raya religious advisors about the religious law of widows marriage in the *'iddah* period is haram because it is not perfect which causes damage to one of the conditions of marriage. The most important law of marriage in the waiting period is the Qur'an, Surah At-Thalaq paragraphs 1, 2, 4, 6, and 7 and Surah Al-Baqarah paragraphs 228-234. There are provisions of marriage law in Indonesia Number 1 of 1974. (Jauharatun, 2016)

The journal by Abdur Rahman Adi Saputera and Nindi Lamunte, the results of this study indicate that the form of marriage of women in the *iddah* period in West Bolangitang District is carried out and only married by local religious leaders, on the grounds that a marriage performed in front of religious leaders is a valid marriage based on sharia because the pillars and conditions have been fulfilled, without knowing the status or condition of the widow. Meanwhile, the factors for the occurrence of marriage during the *iddah* period are the lack of community knowledge, increasingly urgent economic needs, the number of people who think that marriage only fulfills biological needs. (Abdurrahman Adi Saputera, 2020)

Azzulfa, F. A., & Cahya A., A. R. (2021). The results of the study explain that the *iddah* period if it is associated with the basis for identifying whether or not a woman

is pregnant, then the meaning is irrelevant if it is reviewed using science and technology, which has different legal implications for the *iddah* itself. Cleaning the uterus is not an *illat* from the stipulation of *iddah*. *Illat* is something that can change the situation. *Iddah* until now is considered as a discrimination against women, which then raises the opinion that *iddah* is a form of gender injustice. This *iddah* concept discriminates against women because it is considered to limit women's space after divorce. The implementation of the *iddah* period for husbands and wives is a solution so that gender relations between men and women are well established. (Azzulfa, F. A., & Cahya A., A. R. 2021).

Based on the review of previous research above, the novelty in this research is that it discusses the husband's marriage during the wife's *iddah* period at the religious affairs office of Lampung Province, then by analyzing the Circular Letter of the Director General of Islamic Guidance No. P-005/DJ.III/Hk.00.7/10/2021 concerning Marriage in the Wife's *Iddah* Period, then looking for points of contribution to the development of family law in Indonesia: P-005/DJ.III/Hk.00.7/10/2021 concerning Marriage in the Wife's *Iddah* Period, then looking for its contribution points for the development of family law in Indonesia.

B. Research Methods

This type of research is field research, which is conducted at KUAs throughout Lampung Province. This research uses an analytical descriptive approach. Data sources in this study are primary and secondary data sources. The population in this study were the East Lampung KUA (Purbolinggo, Batang Hari Nuban, Way Bungur), the Metro KUA (Metro Pusat, Metro Timur, Metro Barat), and the Bandar Lampung KUA (Tanjung Karang Timur, Tanjung Seneng, Labuhan Ratu). Data collection techniques in this research are interviews and documentation. Data analysis in this research uses qualitative methods and uses *mashlahah* theory.

C. Results and Discussion

Multidisciplinary Review of Husband's Marriage in Wife's *Iddah* Period

a. *Iddah* in Family Law Studies

Iddah is a term taken from Arabic *al-adad* which means calculation. Another definition also explains that *Iddah* is a limit of waiting for a woman who has just divorced her husband, *Iddah* also comes from the word *adda-yauddu-iddatan*, the plural is *idad* which means number.

According to the scholars, the *Iddah* period is a period during which a woman who has been divorced (divorce) or left dead by her husband. The end of the *Iddah* period is sometimes determined by childbirth, menstruation or by a predetermined number of months. There are also scholars who define that *Iddah* is a period in which a woman ensures that there is no fetus in her womb and is an element of *ta'abbud* (worship), or to relieve sadness over the loss of her husband. (Sunarto, 2020)

During the *Iddah* period, a woman should wait and refrain from marrying another man first. In addition, women who are in *Iddah* are also not allowed to accept *khitbah* from any man. However, if there is a man who wants to propose to a woman who is undergoing *Iddah* then the woman should reject it not openly but by way of sarcasm.

According to 'Athiyah Saqar, *Iddah* is prescribed for three basic purposes, namely:

- 1) To ensure that the wife's womb is clean/empty so that her offspring are preserved, therefore *Iddah* does not apply to wives who have never had sexual intercourse.
- 2) To honor the relationship and bonds of marriage that once existed.
- 3) To give the former husband and wife the opportunity to think, reflect on the causes of the breakup of marriage and consider again the possibility of living together again in the future. (Husnul Khitam, 2020)

While al-Jurjawy said there are several wisdoms in *Iddah*, including:

- 1) To determine the cleanliness or purity of the wife's womb,
- 2) So that there is no mixing of the semen of two men in one womb.
- 3) To honor and uphold the marriage contract.
- 4) To prolong the period of *ruju'* in the case of a *raj'i* divorce.
- 5) As a period of mourning for a wife whose husband has died.
- 6) Her husband, as well as a sign of respect or loyalty to the deceased husband. (Husnul Khitam, 2020)

b. Fiqh Review of Husband's Marriage During Wife's *Iddah* Period

The Ministry of Religious Affairs of the Republic of Indonesia with the Director General of BPA MA of the Republic of Indonesia on September 30, 2021 that the Circular Letter of the Directorate General of Islamic Guidance Number: DIV/Ed/17/1979 dated February 10, 1979 on the Issue of Polygamy in *Iddah* is not effective so it needs to be reviewed. Consideration as referred to in number 1, it is necessary to stipulate the Circular Letter of the Director General of Islamic Public Guidance regarding Marriage in the *Iddah* Period of Wife. (Circular Letter of the Directorate General of Islamic Public Guidance Number: P-005/DJ.III/Hk.00.7/10/2021)

If the ex-husband marries another woman during the *Iddah* period, while he still has the opportunity to refer his ex-wife, then this can potentially lead to covert polygamy. In the event that the former husband has married another woman during the *Iddah* period of his former wife, he can only refer to his former wife after obtaining a polygamy permit from the court. (Jayusman et al, 2022, 49)

c. Normative Juridical Review of Husband's Marriage During Wife's *Iddah* Period

Husbands who will remarry other women during the *Iddah* period of the former wife according to religious provisions are valid as long as the conditions and pillars are met. The former wife in the *Iddah* period or *zawjah mutallaqah* if the divorce occurs at the initiative of the husband, the former wife is entitled to physical support from the husband during the *idah* period. But according to the rules of the circular letter on the issue of polygamy in *idah*, it is explained that if you want to get married, you must first ask permission for polygamy to his ex-wife, and the submission is the same as usual polygamy. (Nura Widya Iswari, 2018, 50)

d. Sociological Review of Husband's Marriage in Wife's *Iddah* Period

Husbands who will remarry other women during the *iddah* period of the former wife according to religious provisions are valid as long as the conditions and pillars are met. The former wife in the *Iddah* period or *zawjah mutallaqah* if the divorce occurs at the initiative of the husband, the former wife is entitled to physical support

from the husband during the idah period. But according to the rules of the circular letter on the issue of polygamy in idah, it is explained that if you want to get married, you must first ask permission for polygamy from your ex-wife, and the submission is the same as usual polygamy.

Sociological views on husbands who remarry when the wife's *Iddah* period has not expired may vary depending on the social and cultural context of a particular community. Some of the views that may arise are as follows:

- 1) Social Norms and Values (Santi Muardini, 2019)
- 2) Gender Discrimination
- 3) Indifference to Religious or Social Law (Hafidz Syuhud, 2020)
- 4) Demands for Personal Happiness
- 5) Social Change and Religious Interpretation

e. Philosophical Review of Husband's Marriage in Wife's *Iddah* Period

A philosophical review of the husband's marriage during the wife's *Iddah* period is important to understand the differences and legal provisions related to marriage and women in Islam. *Iddah* is a waiting period that women must go through after a divorce before they can remarry another man. (Mardani, 2011, 30) In Islam, the provisions of *Iddah* have been regulated in the Qur'an and Sunnah.

In the context of women, marriage is a process of exchanging rights and obligations between husband and wife. An understanding of divorce is indeed important to understand the position of divorce and community life. A philosophical review of the husband's marriage during the wife's *Iddah* period helps us understand the essence of marriage and divorce, and how Islamic law is an influence in their daily lives. Some important points related to the philosophical review of the husband's marriage during the wife's *Iddah* period include: (Ahmad Fauzi, 2021)

- a. Divorce is indeed a situation that requires a comprehensive understanding, which includes juridical, sociological and philosophical views.
- b. *Iddah* has different legal provisions for marriage and women, depending on individual conditions.
- c. From a philosophical perspective, marriage is a process of exchanging rights and obligations between husband and wife.
- d. An understanding of divorce is important to understand the position of divorce and community life.

Overall, the philosophical review of the husband's marriage in the period of Wives' *Iddah* helps us understand how Islamic law becomes an influence in their daily lives and maintains a balance between the two in the process of women. A philosophical overview of the husband's marriage during the wife's *Iddah* period involves an in-depth understanding of the concept of *Iddah*, its impact on gender relations, and the rights and obligations of husband and wife in the context of Islamic law.

Implementation of Husband's Marriage During Wife's *Iddah* Period in the Religious Affairs Office of Lampung Province

Circular Letter of the Director General of Islamic Guidance Number P-005/DJ.III/HK.00.7/10/2021 regulates the issue of marriage in the wife's *Iddah*. The Circular Letter is positive law, if seen from its definition. Positive law is a collection of written and unwritten legal principles and rules currently in force, binding in

general or in particular, enforced by the Indonesian State Government or Indonesian courts. The definition of positive law is expanded, not fixated on the current law but also includes laws that have been in force in the past. Positive law is divided into written and unwritten positive law. While written positive law is distinguished between written positive law that applies generally and written positive law that applies specifically. Generally applicable positive law consists of laws and regulations and policy regulations including Circular Letters, operational guidelines and technical guidelines.

The implementation of this circular letter in Lampung Province is that, in the midst of the community, there is a husband who marries another woman when the ex-wife is still in the *Iddah* period. Which is as stated in the Circular Letter of the Director General of Islamic Guidance Number P-005 / DJ.III / HK.00.7 / 10/2021 is an act of polygamy, even though the two have divorced but the wife is still in the *Iddah* raj'i period, it can be said that the husband is polygamous.

Basically, the Circular Letter of the Director General of Islamic Guidance Number P-005 / DJ.III / HK.00.7 / 10/2021 has been implemented in Lampung Province, but in practice there are still people in East Lampung Regency, Metro City and Bandar Lampung City who marry during the wife's *Iddah* period, on the grounds that they do not know about this regulation. But after being given an understanding from the local Religious Affairs Office, some heeded it and some did not. For those who do not heed, they marry under the hand, meaning that most of them marry without being registered. This is due to the perpetrator's ignorance of the regulation of Circular Letter of the Director General of Islamic Guidance Number P-005 / DJ.III / HK.00.7 / 10/2021 concerning the prohibition of husbands marrying during the wife's *Iddah* period.

Then there are people who refuse to comply with the Circular Letter of the Director General of Islamic Guidance Number P-005/DJ.III/HK.00.7/10/2021 concerning the Prohibition of Husbands Marrying During the Wife's *Iddah* Period, as explained or given understanding by the KUA. The reason is based on the fiqh understanding of the perpetrator, that the perpetrator cannot accept this regulation.

So that the Circular Letter of the Director General of Islamic Guidance Number P-005 / DJ.III / HK.00.7 / 10/2021 in its application in Lampung Province has basically been implemented well but not optimally, where there are still residents who refuse on the grounds that it contradicts their understanding of fiqh and some refuse on the grounds that they do not know about the Circular Letter of the Director General of Islamic Guidance Number P-005 / DJ.III / HK.00.7 / 10/2021. As is known, the circular letter aims to protect the dignity of marriage, so that marriage is not carried out with ease and is underestimated.

Review of Circular Letter of the Director General of Islamic Guidance Number: P.005/DJ.III/Hk.007/10/2021 Regarding Marriage in the Iddah Period of Wife

The background to the issuance of this regulation or also Circular Letter Number: P-005/DJ.III/Hk.00.7/10/2021 concerning Marriage in the *Iddah* Period of a Wife is the ineffectiveness of the implementation of the Circular Letter of the Director General of Islamic Institutional Development Number: DIV/Ed/17/1979 concerning the Problem of Polygamy in *Iddah*, this is evidenced by the large number of polygamists during the *Iddah* period of women and the many practices of marriage during the *Iddah* period of women.

On the other hand, there are also many cases of illegal polygamy, which are actually caused by the husband remarrying another woman. The KUA's indecisiveness in implementing this circular rule is the main cause of many illegal polygamy cases.

Circular Letter Number: DIV/Ed/17/1979 of the Director General of Islamic Institutional Development on the Problem of Polygamy in *Iddah* does not work effectively. Due to the reality of events in the KUA and PA, it was decided to conduct an examination and issue Circular Letter of the Directorate General of Islamic Public Guidance Number: P-005/DJ.III/Hk.00.7/10/2021 concerning Marriage in the *Iddah* Period of a Wife is the correct decision. This new circular letter is expected to strengthen the provisions on marriage during the wife's *Iddah* period.

Regarding the old circular letter, namely the Circular Letter of the Director General of Islamic Institutional Development Number: DIV/Ed/17/1979 concerning the Problem of Polygamy in *Iddah* which was established on February 10, 1979 in Jakarta by the Director General of Islamic Institutional Development Number: DIV/Ed/17/1979 which contains the Problem of Polygamy in *Iddah*. This circular letter was addressed to the President of the Religious Court Level I and the President of the High Court throughout Indonesia. The reason for the issuance of this circular letter was that there was no written regulation regarding polygamy during *Iddah*. To fill this legal vacuum, the Director General of Islamic Institutional Development of the Ministry of Religious Affairs of the Republic of Indonesia, which is the competent authority in this matter, issued a circular letter stating that marriage during a woman's *Iddah* period must be carried out after obtaining prior approval from the PA. (Ach Rosyidi Jamil, 2017)

Based on the results of discussions in a discussion forum between the Directorate General of Islamic Public Guidance of the Ministry of Religious Affairs of the Republic of Indonesia and the Directorate General of Religious Courts of the Supreme Court of the Republic of Indonesia on September 30, 2021 that the Circular Letter of the Director General of Islamic Institutional Development Number: DIV/ Ed/ 17/ 1979 dated February 10, 1979 on the Issue of Polygamy in *Iddah* is not working and therefore needs to be reviewed; That based on the results of these discussions, it shows the ineffectiveness of the Circular of the Director General of Islamic Institutional Development Number: DIV/ Ed/ 17/ 1979 dated February 10, 1979 on the Issue of Polygamy in *Iddah*, so it is necessary to establish a Circular of the Director General of Islamic Public Guidance on Marriage in the *Iddah* Period of a Wife. When this Circular Letter comes into effect, Circular Letter of the Director General of Institutional Development of Islamic Religion Number: DIV/Ed/ 17/ 1979 dated February 10, 1979 on the Issue of Polygamy in *Iddah* is revoked and declared invalid.

Based on the circular letter of the Bimas Islam regarding the prohibition of husbands marrying during the wife's *iddah* period, it aims to prevent hidden polygamy, on the other hand it also aims to protect women's rights, such as providing balanced rights in relation to the waiting period after divorce, to protect women's mental health, to maximize the reconciliation period between the two parties, and to strengthen the shari'a of marriage in Islamic family law, that Islamic family law upholds the dignity of women.

The Contribution of the Regulation on the Prohibition of Marriage During a Wife's *Iddah* Period to the Development of Family Law in Indonesia

Iddah is a period where both parties who have just divorced to reconcile, whether to really break the bond of marriage, or will return to reconcile if that is considered good. Therefore, during the *'iddah* of *raj'i* divorce a woman may not marry another man, this is to protect the rights of the first husband (who just divorced her), because the first husband still has the right to refer her back. (Wahbah Zuhaili, 1996. 654) This feels burdensome for women, when in the *'iddah* period a woman really has to take care of herself not to marry another man, wait and hope that the husband who divorced her utilizes his right to refer her. But the husband who divorced her after the divorce immediately remarried another woman, psychologically this is certainly very painful and a double burden for women.

This is relevant to the essence of the Circular of the Director General of Islamic Guidance Number P-005 / DJ.III / HK.00.7 / 10/2021 which has the aim of protecting the dignity of marriage, so that marriage is not carried out with ease and is underestimated, and the essence of *iddah* is to create a benefit for both spouses who are in the process of *muhasabah* in the *iddah* period.

The existence of Circular Letter of Bimas Islam Number P-005/DJ.III/HK.00.7/10/2021 concerning Marriage in the *Iddah* Period of the Wife, aims to provide an opportunity for both husband and wife to rethink their marriage. Providing an opportunity to see if there is a chance for them to get back together and can introspect themselves from the parties concerned. (Henderi Kusmidi, 2017) Not specifically for wives / women alone, but the law of *iddah* was revealed in order to bring benefits to all parties such as husbands, wives, families and society in general. And also aims to maintain the sacredness of marriage, that marriage is a sacred legal act so that in its implementation it must be taken seriously by making divorce difficult.

The existence of this circular letter indicates that *iddah* is not only obligatory or wives, but husbands can also be given the same obligation so that there is equality in couples and justice which must be carried out by both parties.

Iddah is intended for men and women or husband and wife, because it is both of them who perform marriage. This is because: first, if the husband decides to end his household by divorcing his wife and imposing divorce *ba`in* and then the husband wants to marry someone he cannot marry because he has a relationship with his wife such as his wife's siblings, then the husband must wait or worship until the *iddah* period of the wife is over: second, if a man has four wives, then the husband divorces one of his wives and wants to remarry, then the husband must wait or worship until the *iddah* period of the divorced wife is over and then he can enter into another marriage.

This implicit provision of *iddah* by the man or husband occurs because of the provision of *iddah* to the wife and has an impact on her if she wants to do something related to it. So, the *iddah* period is not necessarily only carried out by the wife. Therefore, basically *iddah* is intended to give husbands and wives the opportunity to think so that they can return to domestic life after self-introspection and become a better person and accept the advantages and disadvantages of their spouses.

Based on the researcher's analysis, the Circular Letter of the Director General of Islamic Guidance Number P-005/DJ.III/HK.00.7/10/2021, is an effort to create balance between men and women in *iddah* arrangements, this will have an impact on the value of gender justice and create benefits between couples.

Then by seeing that the existence of male *iddah* aims at gender justice, and *kemashlahatan*, it needs to be studied further to be regulated in legislation. The position of Circular Letter of the Director General of Islamic Guidance Number P-005/DJ.III/HK.00.7/10/2021 concerning Marriage during the Wife's *Iddah* Period has the status of a government policy, so according to the author's analysis, there should be a follow-up regulation to the legislative stage so that it becomes the status of a law, which can bind generally and widely, and has a higher legal force than a circular letter.

Conclusion

Circular Letter of the Director General of Islamic Guidance Number P-005/DJ.III/HK.00.7/10/2021 concerning Marriage of Husband during Wife's *Iddah* Period, is a regulation that regulates the prevention of husbands who want to marry during their wife's *iddah* period. The existence of this prevention is an effort to create balance between men and women in *iddah* arrangements, this will have an impact on the value of gender justice and create benefits between couples. Then by seeing that the existence of male *iddah* aims at gender justice, and *kemashlahatan*, it needs to be studied further to be regulated in legislation. The position of Circular Letter of the Director General of Islamic Guidance Number P-005/DJ.III/HK.00.7/10/2021 concerning Marriage during the Wife's *Iddah* Period has the status of a government policy, so according to the researcher's analysis, there should be a follow-up regulation to the legislative stage so that it becomes the status of a law, which can bind generally and widely, and has a higher legal force than a circular letter.

References

- Abdul Aziz Muhammad Azzam dan Abdul Wahhab Sayyed Hawwas, *Fiqh Munakahat (Khitbah, Nikah, Dan Thalak)*, cetakan pe (Jakarta: AMZAH, 2009)
- Abdur Rahman Adi Saputera dan Nindi Lamunte, "Indikator Terjadinya Pernikahan Dalam Masa Iddah Di Kecamatan Bolangitang Barat," *Jurnal Hukum Keluarga* Vol. 3, no. No.1 (n.d.).
- Ach. Puniman, Hukum Perkawinan Menurut Hukum Islam Dan Undang-Undang No. 1 Tahun 1974, *Jurnal Yustitia* Vol. 19 No. 1 Mei 2018
- Ach. Rosidi Jamil, "Izin Poligami Dalam Masa Idah Istri (Tinjauan Masalah Terhadap Surat Edaran No: DIV/Ed/7/1979)" (Yogyakarta, 2017).
- Ahmad Fauzi, Hakikat Perceraian (Sebuah Tinjauan Filosofis Terhadap Makna Perceraian), *Jurnal Kajian Hukum Islam* 55, Vol. 6, No. 1, Juni 2021.
- Ahmad Muslimin, Iddah Dan Ihdad Wanita Modern, *Mahkamah*, Vol. 2, No. 2, Desember 2019.

- Aisyah Ayu Musyafah, *Perkawinan Dalam Perspektif Filosofis Hukum Islam*, Volume 02, Nomor 02, November, 2020.
- Ali Yusuf As-Subki, *Fiqh Keluarga (Pedoman Berkeluarga Dalam Islam)*, (Jakarta: AMZAH, 2012)
- Amanda M. O. Manoppo, *Putusnya Perkawinan Beserta Akibat Hukumnya Terhadap Anak Menurut Undang-Undang Perkawinan Nomor 1 Tahun 1974 Tentang Perkawinan*, Vol. 6 No. 2 April 2018.
- Azzulfa, F. A., & Cahya A., A. R. (2021). Masa Iddah Suami Istri Pasca Perceraian. *Al-Mizan* (e-Journal), 17(1), 65–88. <https://doi.org/10.30603/am.v17i1.1959>,
- Dewani Romli, *Fiqh Munakahat* (Bandar Lampung: Nur Utopia Jaya, n.d.)
- Fitria Olivia, "Perkawinan Yang Dilakukan Oleh Seorang Perempuan Dalam Masa Iddah Menurut Undang – Undang No. 1 Tahun 1974 Fakultas Hukum Universitas Esa Unggul," *Jurnal Lex Jurnalica* Vol. 16, no. No. 3, (n.d.).
- Hafidz Syuhud, Sanksi Pernikahan pada Masa 'Iddah: Studi Terhadap Pemikiran Para Imam al-Madhab al-Arba'ah, *Jurnal Ekonomi dan Hukum Islam*, Vol. 4, No. 1, April 2020
- Henderi Kusmidi, "Reaktualisasi Konsep Iddah Dalam Pernikahan," *Wacana Hukum, Ekonomi Dan Keagamaan* 4, no. 1 (2017).
- Husnul Khitam, *Nafkah dan Iddah: Perspektif Hukum Islam*, *Az Zarqa'*, Vol. 12, No. 2, Desember 2020. h. 199 – 200.
- Irnanda Lucky Ajisaputri, *Putusnya Perkawinan "Perceraian" Terhadap Seseorang Disebabkan Tidak Saling Menghormati Dan Menghargai Antar Pasangan Suami Istri*, Vol. 2 No. 5 Mei 2021
- Jauharataun, "Hukum Pernikahan Janda Dalam Masa 'Iddah Menurut Pandangan Ulama Palangka Raya," *Jurnal Studi Agama Dan Masyarakat* Vol. 12, No.2 (n.d.).
- Jayusman, Efrinaldi, dkk , *Perspektif Masalah Mursalah Terhadap Pernikahan Suami Pada Masa Iddah Istri Pasca Surat Edaran Dirjen Bimas Islam Nomor: P-005/DJ.III/Hk.00.7/10/2021 Tentang Pernikahan Dalam Masa Iddah Istri*, Vol. 3, No. 2, Desember 2022.
- Kementrian Agama Republik Indonesia, *Mubin (Al-Quran Dan Terjemah)* (Jakarta Timur: Pustaka Al-Mubin, 2013)
- Mardani, *Hukum Perkawinan Islam di Dunia Islam Modern*, (Yogyakarta : Graha Ilmu, 2011)
- Muhammad Zainuddin Sunarto, Karmilah Liana, *Interaksi Wanita Yang Sedang Iddah Melalui Media Sosial*, *Jurnal Islam Nusantara*, Vol. 04 No. 02, p. 160 -171, 2020.
- Nura Widya Iswari, *Analisis Yuridis Terhadap Pandangan Kepala Kua Tenggara Bondowoso Tentang Izin Poligami Sebelum Habis Masa Iddah*, 2018.

Santi Muardini, Alia Azmi, Fatmariza, Dampak Perceraian Pada Perempuan Usia Muda Di Kecamatan Pondok Tinggi Kota Sungai Penuh, *Journal of Civic Education*, Vol. 2, No. 1, 2019

Sayyid Sabiq, *Fiqh Sunnah*, ed. terj. Asep Sobari Dkk, Cet. Ke-6, (Jakarta Timur: al-I'tishom, 2015)

Surat Edaran Direktorat Jenderal Bimbingan Masyarakat Islam Nomor: P-005/DJ.III/Hk.00.7/10/2021 Tentang Pernikahan Dalam Masa Iddah Istri.

Wahbah Zuhaili. *Al-Fiqh Al-Islami Wa Adillatihi* (Damaskus: Darl Al-Fikr, 1996)