

ISLAMIC LAW'S VIEW OF THE IDDAH OF WOMEN WHO ARE ENSNARED IN ADULTERY ACCORDING TO THE HANABILAH MADZHAB

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Abstract

Iddah is a waiting period that a woman is obliged to undergo after divorce or the death of her husband in Islamic law, which aims to ensure the purity of the bloodline and gives the woman time to consider her life decisions. Even though iddah is a common problem, problems arise when faced with women who commit adultery. There are differences of opinion among scholars regarding the obligation of iddah for women who commit adultery, whether they are pregnant or not, because the Qur'an and Hadith do not explicitly regulate this matter. This ambiguity gives rise to legal consequences that influence whether or not the marriage contract between the woman who committed adultery and the man who impregnated her is valid. In this context, the Hanabilah school of thought has a firm view that women who commit adultery are obliged to undergo iddah just like women who are divorced. This research uses the legal istinbat method to analyze Hanabilah's view which equates the iddah of an adulterous woman with the iddah of a woman who is divorced. This research is library research, using literature such as books, scriptures, and relevant notes to compare the views of scholars regarding the issue of iddah for women who commit adultery. The findings show that Hanabilah's opinion has a strong basis, although it differs from the views of other scholars. The conclusion of this study is that the obligation of iddah for women who commit adultery must be viewed as a form of justice and legal certainty in Islam.

Keywords: *Iddah; Ensnared in Adultery; Islamic Law.*

Abstrak

Iddah merupakan masa menunggu yang wajib dijalani oleh seorang wanita setelah terjadi perceraian atau ditinggal mati oleh suaminya dalam hukum Islam, yang bertujuan untuk menjaga kesucian garis keturunan dan memberikan waktu bagi wanita tersebut untuk mempertimbangkan keputusan hidupnya. Meskipun iddah merupakan masalah yang umum terjadi, namun masalah muncul ketika berhadapan dengan wanita yang berzina. Terdapat perbedaan pendapat di kalangan ulama mengenai kewajiban iddah bagi wanita yang berzina, baik dalam keadaan hamil maupun tidak, karena Al-Qur'an dan Hadits tidak mengatur secara tegas mengenai hal tersebut. Ketidakjelasan tersebut menimbulkan akibat hukum yang mempengaruhi sah atau tidaknya akad nikah antara wanita yang berzina dengan laki-laki yang menghamilinya. Dalam konteks ini, madzhab Hanabilah memiliki pandangan yang tegas bahwa wanita yang berzina wajib menjalani iddah sebagaimana halnya wanita yang ditalak. Penelitian ini menggunakan metode istinbat hukum untuk menganalisis pandangan Hanabilah yang menyamakan iddah wanita yang berzina dengan iddah wanita yang ditalak. Penelitian ini merupakan penelitian kepustakaan, dengan menggunakan literatur seperti kitab-kitab, kitab suci, dan catatan-catatan yang relevan untuk membandingkan pandangan para ulama mengenai masalah iddah bagi wanita yang berzina. Hasil penelitian menunjukkan bahwa pendapat Hanabilah memiliki dasar yang kuat, meskipun berbeda dengan pandangan para ulama lainnya. Kesimpulan dari penelitian ini adalah bahwa kewajiban iddah bagi wanita yang berzina harus dipandang sebagai bentuk keadilan dan kepastian hukum dalam Islam.

Kata kunci: Iddah; Terjerat dalam Zina; Hukum Islam

INTRODUCTION

Marriage is a sacred institution that is important in the life of society. As part of the Sunnatullah, marriage creates a bond that not only unites a man and a woman, but also maintains the harmony and peace of their lives, both physically and mentally (Han, Emery, 2024). From an Islamic perspective, marriage has a deep meaning as an effort to realize a life full of blessings, where marriage is something that is highly respected. This marriage process must be carried out by following the applicable religious rules (Feizi, & Gholipour, 2024). However, marriage does not always last forever, and divorce is a reality that some couples must face. This makes marriage and divorce two sides of the same coin that cannot be separated, with each having legal consequences that need to be understood and accepted in Islamic teachings (Tezcan, 2024).

Marriage in Islam is known as *nikah* or *tazwīj*, which literally means "intercourse or mixing". Jalaluddin Al-Mahalli further explains in his book.

وسرعاً : عقد يتضمن اباحة وطى بلفظ انكاح او تزويج

According to Islamic law, marriage is "a contract that contains the permission to have sexual relations between husband and wife using the phrase "*inkah*" (to marry), or the phrase "*tazwīj*" (to marry).(Abubakari & Mensah, 2024)

Islam strongly recommends a good marriage before carrying out the marriage must begin with a proposal. What is meant by proposing or *khitbah* is a request from a man to a woman to marry him, either done by the man directly or by a party he trusts in accordance with Islamic religious rules (Halimatusa'diyah & Triana, 2024). The recommended marriage is a marriage that is in accordance with the teachings of Islam. The scope of marriage recommended in Islam is the existence of the pillars of marriage, the law of marriage, the requirements of a marriage, and a proposal. Islam hates divorce, but in marriage itself sometimes there are things that cause destruction in a household. Islam explains in detail about divorce based on its law. (Han et al., 2024) Marriage and divorce cannot be separated, there will be no divorce without marriage. Every woman who has divorced, whether divorced by life or divorced by death, is obliged to carry out *iddah* (Asnaashary 2023).

Iddah is a waiting period for a woman who is divorced or whose husband has died. During that time she is not allowed to marry or offer herself to be married to another man (Ibrahim Yahaya, 2024). Scholars agree on the obligatory law of *iddah*. The problem is if the woman is pregnant out of wedlock or due to adultery, because one of the purposes of requiring *iddah* is to find out whether or not there is a pregnancy in the divorced wife, so that it is clear who the father of the baby is (Rizal, Sudirman, & Toriquuddin, 2023).

One of the legal consequences that arise after divorce is the obligation to undergo the *iddah* period for women who are divorced, either due to divorce or the death of the

husband. Iddah is very important in Islam because it aims to ensure that there is no mixing of bloodlines and to provide an opportunity for women to determine whether they are pregnant or not after separating from their husbands. Although iddah is an obligation regulated in Islam, new problems arise when the divorced woman is pregnant due to adultery. In this case, there are differences of opinion among scholars regarding the obligation of iddah for women who are pregnant due to adultery, whether they are pregnant or not (Abikan, 2024).

This research is important to conduct a deeper study of the views of ulama regarding iddah for women who commit adultery. In this research, we will examine further the views of the Hanabilah school which considers women who commit adultery to be obliged to undergo iddah, whether they are pregnant or not (Malek, Samuri, & Alias, 2023). In addition, this research will analyze the contribution of this view to a more comprehensive understanding of Islamic law, especially regarding the legal status of marriage of women who become pregnant as a result of adultery. By understanding this view, it is hoped that we can provide solutions for people who face similar problems in their lives.

Several previous studies have discussed the law of iddah in Islam, but few have discussed the problem of iddah for women who become pregnant due to adultery. Most studies only examine iddah in general without considering differences in the views of schools of thought or the legal background behind these views (Jennifer, 2024). Therefore, this study has an important contribution to filling the gap in Islamic law research related to the problem of iddah for women who commit adultery.

The main issue that will be discussed in this research is the iddah law for women who become pregnant as a result of adultery. Specifically, this research will discuss the view of the Hanabilah school which considers that women who commit adultery must undergo iddah like women who are divorced (Malek, Samuri, and Alias, "Child Marriage in Malaysia: Reforming Law through the Siyasa Al-Shar'iyya Framework."). Using the literature research method, the author will explore various relevant literature to find a strong legal basis for determining the obligation of iddah for women who commit adultery.

The results of this study are expected to provide a clear answer regarding whether women who are pregnant due to adultery are required to undergo iddah, and what are the legal implications of the marriage that is carried out afterwards. The main contribution of this study is to provide new insights into the legal status of women who commit adultery in Islam and provide solutions to legal problems that may be faced by society, especially those related to divorce, adultery, and subsequent marriage (Jones, 2023).

This research method uses a qualitative research design with a case study approach, which aims to explore in depth the phenomenon of the law of iddah for women who are pregnant due to adultery (Islam et al., 2023). The case study approach was chosen because it allows researchers to explore and analyze in detail the views of scholars, especially the Hanabilah school, regarding the obligation of iddah for women who commit adultery (Roibin, 2023). This case study provides the freedom to explore various perspectives that are relevant to legal issues in the context of community life, which cannot be obtained through a quantitative approach (Rizal, 2023). This research was conducted in a number of places that have complete Islamic literature, such as university libraries, large mosques, and higher education institutions in the field of Islamic religious studies, which are the main locations for selecting research to obtain rich and authoritative data sources (Al Aziz et al., 2025).

The data collection technique was carried out using the literature study method, namely collecting various written references such as fiqh books, scientific articles, journals, and works of scholars discussing iddah and adultery in Islam (Ullah et al., 2023). The collected data were then analyzed using qualitative data analysis techniques, which include data condensation, data reduction, data display, and data verification. Data condensation is carried out by summarizing relevant information, while data reduction helps to reduce unnecessary information. Furthermore, data display is carried out to visualize the data in the form of a clear and structured narrative (Debnath et al., 2024). Data verification is important to ensure the validity of the information collected by cross-checking data sources and triangulating. Checking the validity of the data is carried out by verifying the credibility of the reference sources, as well as ensuring it through various literature and in-depth interpretations to obtain an accurate and accountable understanding (Priksat et al., 2023).

RESEARCH METHODS

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RESULTS AND DISCUSSION

The view of the Hanabilah School Regarding The Iddah of Women Caught in Adultery

Based on research findings, the Hanabilah school of thought has a strict view of the obligation of women who commit adultery to undergo iddah, whether they are pregnant or not. According to this school of thought, women who commit adultery must undergo a period of iddah just like women who are divorced. This aims to ensure that the woman purifies herself and maintains the honor and purity of the bloodline. This view is in line with interpretations in fiqh books written by followers of Imam Ahmad bin Hanbal which require women who commit adultery to undergo a period of iddah until that period ends or until they give birth, if pregnant. This opinion is contrary to the views of other schools of thought, such as the Shafi'iyah, which considers that women who become pregnant as a result of adultery are not obliged to undergo iddah (Mike, 2024).

The view of the Hanabilah school regarding the obligation of iddah for women caught in adultery is very firm and specific. According to this school of thought, women who commit adultery are still obliged to undergo a period of iddah, the same as women who are divorced by their husbands. The Hanabilah school considers adultery to be a legal relationship according to the Shari'a after the iddah period is over (Susanti, 2023). Therefore, women caught in adultery must undergo iddah to ensure personal purity and maintain the honor and purity of their lineage, which is one of the main objectives of the

iddah law itself. In this view, iddah is not just a ritual procedure, but also a form of self-purification for women involved in sinful acts (Miftakhul Ulumia, 2023).

There are two propositions of the Prophet's Hadith which are the basis of the Hanabilah school of thought, (Kasim, 2024). namely First: the hadith of Abu Dawud from Ruwayfi' bin Tsabit al-Ansari which tells about someone who gave a sermon where he heard the Prophet SAW say on the day of Hunain: "It is not halal for someone who believes in Allah and on the last day to sprinkle his water on other people's plants" (HR. Abu Dawud). Second: A hadith from Abi Sa'id clearly states that the Prophet SAW said about captive Authas women: "You are not allowed to mix with women who are pregnant until they give birth and women who are not pregnant until they menstruate once" (HR. Abu Dawud). Second, he has repented from his adultery, because as long as he has not repented, he is still punished as an adulterer, but when he has repented, his adulterer status will disappear (Syamsul Ma'arif, 2024). In conclusion, in the matter of whether or not it is permissible to marry a woman who is pregnant because of adultery, the fiqh scholars of the four schools of thought are divided into two groups: First, some Hanafiyah scholars (except Abu Yusuf) and Shafi'iyah allow marrying women who are pregnant outside the marriage contract without having to wait for the birth of the baby. Second, the Malikiyah and Hanabilah scholars forbid it except after giving birth to the baby.

According to Nunung Rodliyah quoted the opinion of Sheikh Abu Yahya Zakariyya al-Ansari, he explained that iddah is a form of waiting period for a woman to know the purity of the womb from the baby's seed, to worship ta'abud and even to mourn or grieve for the death of her husband. The scholars define iddah as the time to wait for the chastity of a wife who has died or been divorced by her husband, before the end of the iddah period, it is forbidden to marry (Hariri Ocviani, 2023).

This iddah obligation applies to both women who become pregnant as a result of adultery and those who are not pregnant. If the woman becomes pregnant, her iddah ends with the birth of the child, as is the case for women who are divorced by their husbands. However, if the woman is not pregnant, her iddah lasts for three menstruations (Nurul, 2022). This view shows how serious the Hanabilah school is in maintaining social order and clarity of lineage status, which is expected to prevent mixed lineages in Islamic society. This emphasis on iddah reflects the important role of women in maintaining the honor of the family and society, as well as affirming their legal status after the occurrence of adultery.

Table 1. The view of the Hanabilah School regarding the Iddah of women caught in adultery

Aspect	View Hanabilah School of Thought
Obligation of Iddah	Women who commit adultery are required to undergo iddah, whether they are pregnant or not.
Purpose of Iddah	Purify women who commit adultery, maintain honor, and ensure the purity of the bloodline.
Iddah For Pregnant Women	If the woman is pregnant, the iddah ends after the birth of the child.
Iddah for Non-Pregnant Women	If the woman is not pregnant, iddah lasts for three menstrual periods.
Legal Perspective of Marriage	A woman who commits adultery must undergo iddah first before remarrying to ensure repentance and purity.
Comparison of Schools	This is different from the Shafi'iyah school of thought, which states that women who become pregnant as a result of adultery do not need to undergo iddah.
Social Implications	Protecting social order and clarity of lineage status, and preventing the mixing of lineages in society.
The Function of Iddah in Sharia	Iddah is not only a ritual procedure, but also a form of self-purification for women involved in sinful acts.

The table above illustrates the view of the Hanabilah School regarding the obligation of iddah for women caught in adultery. This school of thought has a very strict view, where women who commit adultery, whether pregnant or not, are obliged to undergo a period of iddah to purify themselves and maintain their honor, as well as ensure the purity of their bloodline. If the woman is pregnant, her iddah ends after giving birth, while if she is not pregnant, her iddah lasts for three menstruations. The Hanabilah school also requires women who commit adultery to complete iddah before remarrying, aiming to ensure repentance and chastity. This view is different from the Syafi'iyah school of thought, which does not require women who become pregnant as a result of adultery to undergo iddah, and shows how important iddah is in maintaining social order and clarity of nasab in Islamic society (Yunika, 2022).

From the perspective of Islamic law, the view of the Hanabilah school regarding iddah for women who commit adultery also has implications for whether or not the marriage that occurs afterwards is valid. For example, if a woman who is pregnant as a result of adultery wants to get married, the Hanabilah school recommends that she first undergo iddah before remarrying. This aims to purify the woman from committing adultery, as well as ensuring that her iddah period has been completed before continuing a legal marriage relationship (Muhammad Ridwan, 2023). Therefore, the view of the

Hanabilah school of thought is very strict in enforcing the rules regarding adultery, with the aim of maintaining the purity of the nasab and limiting the social impacts that arise as a result of this act.

However, the view of the Hanabilah school is different from several other schools, such as the Shafi'iyah school, which states that women who become pregnant due to adultery do not need to undergo iddah. This difference arises because of differences in understanding the verses of the Qur'an and hadith related to iddah and adultery. The Hanabilah school considers that iddah has a very important position in ensuring that women who commit adultery truly repent and are clean from sin before continuing their married life (Mohammad Yusrod, 2024). Thus, although there are differences of opinion between schools, the view of the Hanabilah school makes a significant contribution to clarifying the legal position of women who commit adultery in Islamic society, both from a religious and social perspective.

Women Who Get Pregnant Due to Adultery Must Undergo Iddah According to the Evidence in the Qur'an and Hadith

Women who become pregnant due to adultery are required to undergo an iddah period as part of the Islamic legal process to ensure the clarity of the status of the child she is carrying and to maintain the dignity of the woman herself (Mahmudi Hanafiyah, 2024). The iddah period is a certain period after divorce or death of the husband during which a woman is not allowed to marry another man (Gunawan, Sainun, & Gazali, 2024). In the case of a woman who becomes pregnant due to adultery, iddah is required to ensure whether the child is the result of an adulterous relationship or not. In this case, the woman must undergo iddah for four months and ten days in accordance with applicable law.

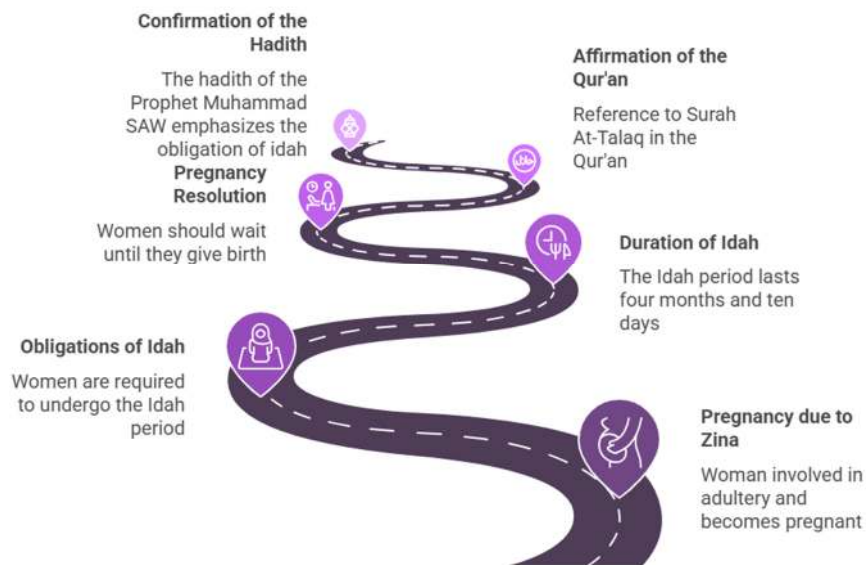


Figure 1 The Iddah Process That Must Be Undergone by Women Who Are Pregnant Due to Zina

This image explains the iddah process that must be undergone by a pregnant woman due to adultery. In Islam, a woman who is pregnant due to adultery is required to undergo iddah until she gives birth. This process is emphasized in the Qur'an, especially in the At-Talaq chapter which states that a pregnant woman must wait until she gives birth before she can remarry. The hadith of the Prophet Muhammad SAW also emphasizes the obligation of this iddah. The duration of iddah for a pregnant woman due to adultery is four months and ten days. This process aims to ensure the clarity of the lineage of the child born and to give the woman time to repent and improve herself (Adnan Jinawar, 2023).

Every Shari'a regulated by Allah SWT. always aimed at human benefit, including the stipulation of iddah for wives who have separated from their husbands. The purpose of this Shari'a in the study of Islamic law is usually known as *maqashid al-Syariah*, where several main objectives of all the Shari'a in Islam are summarized. Imam al-Syatibi divides *maqashid al-syariah* into five parts: *hifdzu al-din* (guarding religion), *hifdzu al-nafs* (guarding the soul), *hifdzu al-'aql* (guarding reason), *hifdzu al-nasl* (guarding offspring), and *hifdzu al-maal* (guarding wealth). The discussion of *maqashid iddah* itself generally falls into the category of safeguarding offspring or *hifdzu al-nasl*. Iddah in this case is very important to carry out because ignoring the iddah period will have the potential to disrupt the lineage or hereditary relationship between father and child (M Faiz Nashrullah, 2024). Therefore, scholars of the Hanafi and Syafi'i schools of thought argue

that there is no iddah for a woman who commits adultery even though there is a fetus in her womb. The reason is because the child resulting from adultery does not have a lineage with its father. This is different from scholars of the Maliki and Hanbali schools of thought who argue that a woman who has committed adultery is still required to undergo iddah because it goes back to the purpose of the iddah decree, which is to protect offspring by ensuring the emptiness of the womb.(Doni Azhari, 2024).

In general, Islamic jurisprudence scholars have grouped the maqashid iddah into three types. First, to free the womb (*baraatur rahim*), this aspect is closely related to biological conditions to find out whether the wife's womb still contains seeds or even fetuses from her previous ex-husband. This is very important because Islam is very concerned and careful in studying the origins of children (Refadila Demira, 2023). Second, as a time gap for mutual introspection and mutual respect, meaning that if the separation is due to divorce, the iddah period can be used as a time for introspection because marriage is a sacred contract and separation should not be an option. Meanwhile, if the separation is due to death, the iddah period functions as a time to respect and appreciate each other between the wife and the husband's family so that the bonds of *silaturahmi* continue to run well. Third is the aspect of worship (*litta'abbudi*), meaning that iddah as one of the religious commands must indeed be carried out and obeyed by Muslims. Allah SWT has regulated the sharia regarding iddah in detail both in the Qur'an and through the hadith of the Prophet Muhammad SAW. and it is obligatory for Muslims to follow these teachings (Dwi Nur Khalim, 2024).

During the iddah period, the husband is obliged to provide several guarantees to the divorced wife, such as providing a decent place to live and living expenses for daily needs. The maqashid or purpose of the husband's obligation is to ensure the continuity of the iddah sharia carried out by the wife. As previously explained, during the iddah period, a wife has an obligation to undergo *ihdad* or limitations on what is and is not allowed to be done. A wife undergoing iddah is not allowed to leave the house without a clear reason, therefore her needs during that period are the responsibility of the husband. Likewise, the prohibition on accepting marriage proposals from other men during the iddah period shows that even though they are divorced, the husband is still obliged to provide for the woman who is still under his responsibility (Utari Vionika, 2025).

The evidence regarding the obligation of iddah for pregnant women involved in *zina* is found in the Qur'an, Surah At-Talaq (65:4), which states that pregnant women must wait until they give birth before remarrying (Heri Firmansyah, 2023). Although the verse refers more generally to women who are divorced by their husbands, the same principle applies to women who become pregnant as a result of *zina*, namely that the pregnancy must be completed first to ensure that the status of the child born can be clearly

determined. Therefore, the iddah period serves to give time for pregnant women to give birth and avoid confusion regarding offspring (Firmansyah et al., 2023).

The hadith of the Prophet Muhammad SAW also emphasizes that women who are pregnant due to adultery must undergo iddah. In a story narrated by Imam Muslim, the Prophet Muhammad SAW said, "A woman who is pregnant due to adultery must undergo iddah until she gives birth" (HR. Muslim). This hadith shows that the obligation to undergo the iddah period for women who are pregnant due to adultery is not only to ensure legitimate offspring, but also to give the woman the opportunity to repent and improve herself after her actions (Suruzzudin, 2023).

From the discussion above, it is stated that Iddah for women who are pregnant due to adultery is not only a law that regulates marital relations, but also functions as a form of protection for the rights of the child who will be born (Shila Huddin 2023). By undergoing iddah, the woman gives time to ensure the clarity of the status of the child she is carrying. This also shows that Islam is very concerned about the issue of lineage (descendant) and wants to avoid confusion that may arise from illegitimate relationships, while maintaining the dignity of women in society.

Legal Implications of Marriage Following Adultery

Marriage after adultery has legal implications both from an Islamic perspective and from a positive law perspective in Indonesia. In Islam, a marriage after adultery is considered valid if it meets the requirements and pillars, but with the note that the couple involved must repent and regret their actions. This is because adultery is considered a major sin that can pollute the purity of a marriage relationship Khalim, Chailani, and Solakhudin, "The Relevance of Maqashidu Shariah and Compilation of Islamic Law in the View of Marriage of Pregnant Women Out of Wedlock.". Therefore, even though the marriage is valid according to Islamic law, both are still advised to undergo the process of taubat nasuha, namely sincere repentance and returning to the right path.

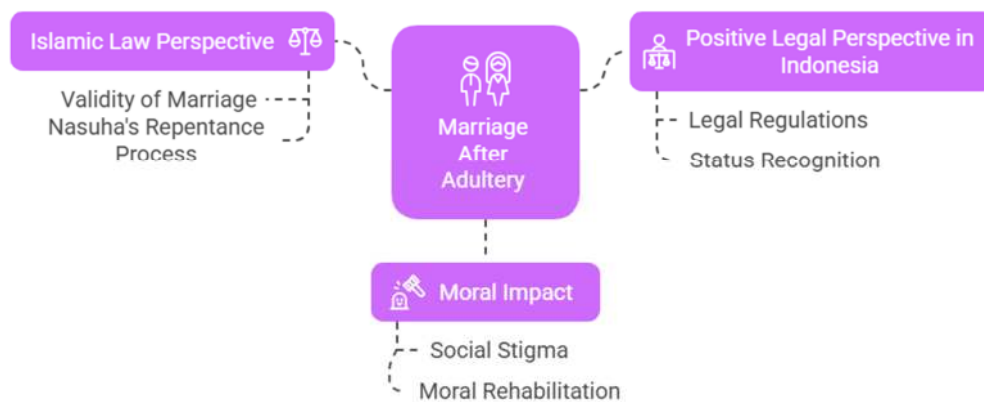


Figure 2 Legal Implications of Marriage After Adultery

This image illustrates the legal implications of marriage after adultery from two main perspectives: the perspective of Islamic law and the perspective of positive law in Indonesia. In Islamic law, marriage after adultery is still considered valid if it meets the requirements and pillars, but is accompanied by a process of repentance as a step to cleanse oneself from sin. From a positive law perspective in Indonesia, marriage after adultery is still recognized as long as it meets the applicable legal regulations, although there are challenges in recognizing the status and moral impacts, including the social stigma attached to the couple. In addition, there are efforts for moral rehabilitation so that the couple can be accepted back into society with a continuous improvement process Al-Yamani, "Marrying a Pregnant Woman Due to Zina and the Position of the Children of Zina from the Perspective of Islamic Jurisprudence and Positive Law."

Based on the Constitutional Court Decision Number 46/PUU-VIII/2010 dated 17 February 2012, Article 43 paragraph (1) of Law Number 1 of 1974 concerning Marriage, which states, "A child born out of wedlock only has a civil relationship with his/her mother and his/her mother's family", does not have binding legal force as long as it is interpreted as eliminating the civil relationship with a man who can be proven based on science and technology and/or other evidence according to the law to have a blood relationship as his/her father, so that the article must be read, "A child born out of wedlock has a civil relationship with his/her mother and his/her mother's family and with a man as his/her father who can be proven based on science and technology and/or other evidence according to the law to have a blood relationship, including a civil relationship with his/her father's family" (Siri Marriage, 2023).

Children born out of wedlock are different from children born without marriage. The definition of out of wedlock is different from the definition of without marriage. Although not exactly the same, this definition can be analogized with the definition of "Fulan works outside the office" with "Fulan works without an office". Fulan works outside the office means there is an office but he is working outside the office, while Fulan works without an office means he works without an office. This is the same as a child born out of wedlock, meaning the child is born from a man and woman who are materially married but the marriage does not formally exist because it is not registered/not carried out before a Marriage Registrar (Bambang Ali Kusumo, 2025).

KHI is of the opinion that it is lawful to marry a pregnant woman due to adultery if the one who marries her is the man who impregnated her. However, if the one who marries the woman is not the man who impregnated her, then the law is not valid. This is stated in chapter VIII on pregnant marriage Article 53 of KHI which reads Ahmad Mustakim and Hasyim Arifuddin, 2023):

1. A woman who becomes pregnant out of wedlock can be married to the man who impregnated her;
2. Marriage with a pregnant woman as referred to in paragraph 1 may be carried out without first waiting for the birth of her child;
3. By carrying out a marriage while the woman is pregnant, it does not

The opinion of KHI Article 53 Paragraph (1) is in line with the opinion of Abu Yusuf and Zufar from the Hanafiyah Ulama, who are of the opinion that a woman who becomes pregnant as a result of adultery can only be married to the man who impregnated her, but not to the man who did not impregnate her. In Article 53 Paragraph (2) it is stated that marriage with a pregnant woman can be carried out without having to wait for the birth of the child in the womb. This opinion is in line with the opinion of Ulama from the Hanafiyah and Shafi'iyah circles who allow marriage to women who are pregnant due to adultery without having to wait for birth, in contrast to the opinion of Malikiyah and Hanabilah Ulama who do not allow such marriages to be carried out before the birth of the child in the womb (Muhammad Nur Fathoni, 2023).

Regarding the lineage of children born from the marriage, KHI is of the opinion that a legitimate child is a child born from a legitimate marriage, even though the marriage contract was carried out in a state where the woman was pregnant outside of marriage (either due to adultery or rape) as long as the man who married her was the man who impregnated her. This provision is based on the agreement of Islamic jurisprudence scholars that the lineage of a child can be formed and connected to his father through a legitimate marriage contract, where the legitimate marriage contract is the only indicator so that the marriage is considered a legitimate marriage (Teguh Abdurrohman, 2024).

In the Quran, Allah SWT reminds His people not to come close to zina, which is a very hated act. Surah Al-Isra' (17:32) explains, "And do not come close to zina; surely it is an abomination and an evil way (Tajul Arifin, 2024)." Therefore, even though marriage after zina is not considered void, it still has great moral implications for the couple involved. They must undergo a period of repair to keep the relationship blessed and not burdened with sin.

In Indonesian law, a marriage that occurs after adultery is also valid, as long as it meets the provisions in Law Number 1 of 1974 concerning Marriage. Article 2 paragraph (1) of the law states that a marriage is valid if it is carried out according to the laws of each religion and belief (Fandi Leonard, 2024). This means that even if a marriage occurs after adultery, if it meets the requirements for a valid marriage in the religion adhered to by the couple, then the marriage is still valid in the eyes of state law. However, if it is known that the marriage was carried out only to avoid punishment or to cover up the act of adultery, then it can become a problem in terms of moral validity and legal status.

However, even though the marriage is valid, another legal implication that needs to be considered is related to the rights of children born from the adulterous relationship. In Law Number 1 of 1974 concerning Marriage, Article 43 paragraph (1) states that children born from a valid marriage have clear legal standing, including inheritance rights (Teguh Kurniawan, 2023). However, children born from an adulterous relationship, even though they are valid if they marry afterwards, still need to receive more attention in terms of protecting their rights, especially if there is a dispute regarding the status of lineage and inheritance rights.

CONCLUSION

Based on research conducted using a qualitative case study approach, it can be concluded that the view of the Hanabilah school regarding the obligation of iddah for women caught in adultery is very clear and strict. This school of thought requires women who commit adultery to undergo a period of iddah, whether they are pregnant or not, with the aim of maintaining the purity of their nasab and providing an opportunity for the woman to repent. This research found that the Hanabilah school of thought equates the iddah obligation for women who commit adultery with women who are divorced, with the aim of purifying themselves before continuing the marriage. This view also differs from the views of other schools of thought, such as the Syafi'iyah school of thought, which is more lax regarding women who become pregnant as a result of adultery, and the Hanafiyah school of thought which does not require iddah for women who become pregnant as a result of adultery.

The legal and social implications of the Hanabilah school of thought show that the application of iddah provides clarity on the legal status of women caught in adultery, as well as maintaining social stability in Islamic society. Although there are challenges in its application in a more permissive modern society, the obligation of iddah still has the purpose of maintaining the honor of individuals and families. This study contributes to a deeper understanding of the differences in views between schools of thought in Islam and how this law can be applied in the social life of society, especially in relation to adultery and divorce.

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