



# THE RELEVANCE OF ULTRASONOGRAPHY TO THE CONCEPT OF IDDAH FROM THE PERSPECTIVE OF MAQASID AL-SHARIAH

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## Abstract :

*This study discusses the relevance of using ultrasound technology (USG) to the concept of iddah in Islamic family law, employing a maqasid al-syariah approach. The background of this study stems from a social phenomenon where some women consider ultrasound results showing an empty womb to be grounds for waiving the obligation of iddah, sparking debate between medical authorities and Sharia norms. The objective of this study is to analyze classical fiqh perspectives on iddah, examine medical findings on the function of ultrasound, and evaluate both within the framework of maqasid al-syariah. The method employed is qualitative research using a literature review approach, drawing on the works of classical scholars, contemporary fiqh literature, and medical references related to ultrasound. Data were analyzed comparatively and normatively, taking into account the principles of maqasid al-syariah, particularly the aspects of hifz al-din (preserving religion) and hifz al-nasab (preserving lineage). The results of the study indicate that although ultrasound has accurate diagnostic functions in confirming the condition of the uterus, this technology cannot replace the sharia obligation to undergo the iddah period. This is because iddah is not merely intended to confirm the emptiness of the uterus, but also has dimensions of worship, social, and moral aspects, such as preserving lineage, providing space for mourning, and opening the possibility of reconciliation. Thus, the contribution of this research lies in emphasizing that the use of modern medical technology should be positioned as a supportive tool, not as a replacement for the normative provisions of Islamic law.*

**Keywords :** Ultrasound, Idah, Maqāṣid al-Syari'ah

## INTRODUCTION

Idah is a waiting period for women with a set duration, due to separation from their husbands, to determine the condition of their wombs (Daud et al., 2024). According to al-Jaziri, the legal meaning of 'iddah is broader than its linguistic meaning. It refers to the waiting period for a woman, which is not only based on her menstrual or clean periods, but sometimes also on the number of months or giving birth. During this time, a woman is prohibited from marrying another man (Brake, 2012).

In Islam, the waiting period (iddah) has a strong foundation because it is mentioned in several Quranic texts:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نَكَحْتُمُ الْمُؤْمِنَاتِ ثُمَّ طَلَقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمْسُوهُنَّ فَمَا لَكُمْ عَلَيْهِنَّ مِنْ عِدَّةٍ تَعْتَدُونَهَا فَمَعَهُنَّ وَسَرَخُوهُنَّ سَرَاحًا جَمِيلًا

Meaning: O you who believe, when you marry believing women and then divorce them before you have touched them, there is no waiting period for them



that you need to count. So, give them a gift and release them in the best possible way.

As time goes on, technology also develops, and one of the technologies created is ultrasound (sonography)(Nayak et al., 2022). Ultrasound is a scanning of human body organs using high-frequency sound waves. One of the functions of an ultrasound is to determine if a woman is pregnant or to find out if a woman's uterus is clean. Ultrasound is widely used by women who have been left by their husbands, especially career women, to be free from the concept of iddah.

Regardless of the concept of iddah, ultrasound remains an unresolved issue (Hilal & Harahap, 2021). With such advanced technology, three menstrual cycles are no longer necessary. This naturally clashes with the concept that has been established in classical jurisprudence, where we find that when a wife has separated from her husband, they are obligated to observe an iddah. This is a new phenomenon because there is one similarity between the concepts of ultrasound and iddah in terms of the cause, but they differ in the resulting impact.

The problem statements of this discussion are what is the view of fiqh literature regarding the determination of the waiting period (iddah), and how do the principles of maqashid al-syariah encompass it(Azis, 2023); and how can medical findings thru ultrasound be related to the determination of the waiting period according to maqashid al-syariah. The objectives of this research are to determine the view of fiqh literature regarding the determination of the waiting period, and how the principles of maqashid al-syariah encompass it, and to determine how medical findings thru ultrasound can be related to the determination of the waiting period according to maqashid al-syariah(Razali et al., 2020).

The study above also includes a previous study that emphasizes the validity of technology. This study places the objectives of Islamic law (maqashid al-shariah) as the normative basis for assessing whether the results of an ultrasound can be used as a basis for determining the end of the waiting period (iddah). Although modern technology, such as ultrasound, can provide accurate information about the condition of a woman's uterus, determining the waiting period in Islam does not solely depend on medical aspects.

## **RESEARCH METHOD**

This research utilizes library research, which aims to deeply understand a phenomenon, situation, or problem being studied(Connaway & Radford, 2021). This method allows researchers to explore the meaning behind events, words, and visuals that appear in the context being studied, resulting in a more comprehensive understanding of the research object.

Qualitative methods: The researcher will investigate problems or phenomena occurring among humans and their actions to uncover the reality within them(Mohajan, 2018). The researcher will use humans as research tools and create a detailed description, meticulously crafting words and studying the

situations experienced during the research.

The research method used in this study is a literature review method thru maqashid and normative jurisprudence. Because with this method, the author will be able to understand the relevance of the concept of iddah based on social reality. The author uses a literature review because the perspective taken in the study is still related to the opinions of scholars. Therefore, the researcher's effort to complete this study will be to search for and delve deeper into the data obtained from books, scriptures, and other scientific works.

The approach used in this study is the literature review method. This is because with this method, the author will be able to describe, explain, and understand the concepts of iddah and ultrasound in detail (Lame, 2019). The research approach used in this study is a descriptive approach, which involves describing the phenomenon and some of the factors that cause it.

To obtain valid data, certain methods are required, as follows: The author uses a literature review because the perspective of the review taken by the author is still related to the opinions of scholars. Therefore, the researcher's efforts in completing this study will be to search for and delve deeper into the data obtained from books, scriptures, and other scientific works. The research method used in this study is a literature review method thru maqashid and normative jurisprudence (Baharuddin ASB et al., 2019). Because with this method, the author will be able to understand the relevance of the concept of iddah based on social reality.

## **FINDINGS AND DISCUSSION**

### **1. Views of Fiqh Literature and the Principles of Maqashid Asy Syariah Regarding the Determination of the Iddah Period.**

The concept of iddah in Islam essentially serves as a protection that aligns with the maqāṣid al-syarī'ah, particularly in safeguarding lineage (ḥifẓ al-nasl), honor (ḥifẓ al-'ird), and life (ḥifẓ al-nafs). Therefore, Islamic law sets different waiting periods (iddah) based on the woman's condition: menstruation, menopause, pregnancy, or the death of her husband (Ikram et al., 2023). Scholars agree that a pregnant woman observes a waiting period until she gives birth, while a woman whose husband has passed away observes a waiting period of four months and ten days, as a form of respect for the marital bond. The difference in the interpretation of quru' between the Hanafiyyah and Syafi'iyyah schools of thought demonstrates the breadth of legal reasoning (ijtihad), but all rulings ultimately serve the purpose of the Sharia: ensuring the clarity of lineage, preserving the dignity of women, and providing space for emotional and spiritual transition before starting a new marriage (Fatima, 2023).

وَأُولَاتِ الْأَحْمَالِ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ

Meaning: As for pregnant women who are divorced, their waiting period is until they give birth.

Iddah in Islam is the waiting period prescribed by Sharia for a woman after separating from her husband, whether due to divorce or death (Pomahiya et al., 2022). This concept is not merely a religious ritual, but a legal instrument closely related to social and psychological protection, as well as clarity in family law. According to the Quran, the purpose of iddah is to maintain the order of lineage and provide emotional transition space for women. Therefore, the study of iddah cannot be separated from the dimension of maqāṣid al-syarī'ah, which emphasizes the protection of lineage (ḥifẓ al-nasl) and honor (ḥifẓ al-'ird).

The legal basis for determining the waiting period (iddah) is found in several verses of the Quran. Surah al-Baqarah (2): 228 states that divorced women should wait for three menstrual cycles. Surah al-Baqarah (2): 234 regulates the waiting period for women whose husbands have died, which is four months and ten days. As for Surah ath-Thalaq (65): 4, it explicitly states that the iddah of a divorced or widowed pregnant woman ends upon delivery. These verses show that the iddah period is not uniform, but is adapted to the biological and social conditions of women.

وَالْمُطَلَّاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ

Meaning: And divorced women (must) restrain themselves (wait) for three periods.

The Prophet's ﷺ hadiths also reinforce this provision, such as the narration of Subai'ah al-Aslamiyyah. She was left a widow while pregnant, gave birth a few days later, and the Prophet allowed her to remarry after giving birth. This hadith confirms that the waiting period for a pregnant woman ends with childbirth, in accordance with the Quranic text. The consensus of scholars also supports this provision, making it part of the definitive law that is not disputed (Vago & Barkan, 2021). These normative sources serve as a strong foundation for consistently determining the waiting period (iddah) in both classical and contemporary Islamic jurisprudence.

Islamic scholars provide details regarding the duration of the waiting period (iddah) based on the woman's circumstances (Sariroh, 2021). Imam al-Nawawi in al-Majmu' explains that the waiting period (iddah) for a pregnant woman, whether due to divorce or the death of her husband, ends with childbirth. However, a woman who is still menstruating is required to observe a waiting period of three menstrual cycles (quru'). Shafi'i scholars interpret quru' as the period of purity, while Hanafi scholars understand it as menstruation. This difference reflects the existence of room for ijtihad in interpreting the wording of the Quran, which contains linguistic ambiguity, resulting in different legal consequences regarding the length of the waiting period (iddah).

وَالَّذِينَ يَتُوفَوْنَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا

Meaning: Those of you who die and leave behind wives should wait for

themselves (the wives) for a period of four months and ten days.

The opinion of the scholars shows the dynamics of Islamic law in responding to social realities (Sahin, 2018). The Shafi'i interpretation, which understands quru' as a period of purity, results in a longer waiting period (iddah) than the Hanafi understanding. According to al-Jaṣṣāṣ in *Aḥkām al-Qur'ān*, the difference arises from how scholars understand the meaning of words and their implications for the law. This shows that Islamic law is not static, but evolves thru differences in *ijtihād*. Thus, the determination of the waiting period is not merely a rigid text, but the result of an epistemological struggle with hermeneutical nuances.

Within the framework of *maqāṣid al-syarī'ah*, these differing viewpoints both stem from the purpose of the Sharia, which is to maintain the clarity of the womb (*istibra' al-raḥim*) and prevent confusion of lineage. The iddah period also serves as a form of respect for the marriage that has taken place, giving women reasonable time before continuing their new married life. Al-Shatibi in *al-Muwafaqat* emphasizes that every Sharia law aims to preserve the welfare of servants, whether this welfare is necessary, essential, or desirable. In the case of iddah, the essential interests that are protected are offspring and honor.

Beside its function in lineage, iddah also has a psychological dimension. Women who are divorced or widowed need time for emotional recovery before embarking on a new phase of life. Some contemporary studies, such as Muslih's (2022) writing in the *Ahkam Journal*, show that the iddah provision serves as a social mechanism to maintain family stability and the dignity of women. Thus, iddah is not only biological but also related to psychosocial dimensions that are relevant throughout time.

Contemporary Islamic family law studies also consider the social context in understanding the waiting period (iddah). Abdullahi An-Na'im's book, *Islamic Family Law in a Changing World*, emphasizes that although the provisions regarding iddah are textual, their interpretation needs to be adapted to evolving social needs. This means that the principles of *maqāṣid* can serve as a framework for understanding the relevance of iddah, not merely as a formalistic obligation, but also as an instrument for protecting women and social justice. This discourse opens a space for dialog between classical texts and modern reality.

Thus, the determination of the waiting period (iddah) in Islam is the result of a combination of Qur'anic texts, hadiths, consensus (*ijma'*), and the reasoning of scholars thru independent judgment (*ijtihād*). Differences of opinion regarding the meaning of quru' or other technical details do not diminish the main purpose of iddah, which is to maintain the order of lineage, the honor of women, and family stability. Differences in perspective actually demonstrate the flexibility of Islamic law in dealing with different situations. Therefore, iddah must be understood integrally as part of the *maqāṣid al-syarī'ah*, which always places the welfare of the community above all else.

## **2. Medical Findings on the Use of Ultrasound in Determining the 'Iddah Period According to Maqashid Asy Syariah**

The results of the ultrasound examination showed that this device is capable of providing clear images related to the condition of the uterus, both in confirming the presence of a gestational sac and in confirming an empty uterus (Rykkje et al., 2019). In patients with early gestational age of around 5–7 weeks, the gestational sac can already be visualized, and even the fetal heartbeat begins to be visible at 8–10 weeks. Conversely, for patients with an empty uterus and thin endometrium, ultrasound consistently shows negative pregnancy results with a high degree of accuracy. This finding proves that ultrasound has reliability in determining pregnancy status relevant to determining the iddah period.

From a jurisprudential perspective, if the ultrasound confirms the presence of a fetus, the woman's waiting period (iddah) is set until she gives birth, as stated in Surah At-Talaq: 4. However, if the ultrasound results show an empty uterus, the waiting period reverts to the original ruling, which is three menstrual cycles for women who are still menstruating (Surah Al-Baqarah: 228) or three months for those who have already gone through menopause (Surah At-Talaq: 4). Thus, the medical results from the ultrasound can serve as an aid in strengthening the application of Islamic law regarding iddah, particularly in ensuring the certainty of lineage and the honor of women in accordance with the maqāsid al-syarī'ah.

Modern technology like ultrasound does indeed offer the ability to medically prove that a woman's uterus is empty (Marsh & Ronner, 2019). However, it's important to remember that an ultrasound can only capture the physical aspects of the situation. This technology does not have the ability to replace the other, emotional, and social dimensions contained within the practice of iddah. Thus, although ultrasound can provide useful information in a medical context, it cannot fulfill the role and obligations of iddah in Islamic law.

The wisdom behind the concept of iddah is to determine the cleanliness of the womb (Afadi, 2023). However, with the passage of time and the ever-evolving technological advancements. One of these is in the field of medical technology, which has developed a device that can determine whether a woman is pregnant or not. That is, with a pregnancy test called an ultrasound (sonography). With an ultrasound test, pregnancy can be detected as early as four to five weeks after ovulation (the fertile period).

One of the factors that determines the length of the waiting period is whether a woman has had sexual intercourse or not. For women who have had sexual intercourse, there are further subcategories: women who are still menstruating, women who have stopped menstruating due to old age or have not yet reached puberty, pregnant women, and women who menstruate continuously.

Based on this division, it is very clear that the waiting period (iddah) is

closely related to the womb. Although it is connected to the period known as the mourning period, its closeness is more strongly linked to the womb. Because of the above explanation, which further differentiates the types of women who have been consummated into several groups with varying durations, while for women who have not been consummated, there is no grouping like that for women who have been consummated.

Scholars have offered various interpretations of the purpose and wisdom of the waiting period, supported by diverse arguments. The interpretations of those scholars were adapted to the situations and conditions that existed at the time. It is also inseparable from the kinship system that was prevalent in society at that time. The purpose of the waiting period (iddah) according to Abi Yahya al Zakariya is to determine the cleanliness of a woman's womb, to perform acts of worship, and to alleviate the grief of a woman whose husband has died.

The use of ultrasonography (USG) plays a crucial role in assessing the condition of the uterus, particularly in distinguishing between an empty uterus and the presence of a gestational sac in the early stages of gestation (Jayaprakasan & Ojha, 2022). Thru this technology, the structure of the uterine cavity can be visualized in more detail, allowing medical professionals to determine whether a gestational sac is present or not. This advantage becomes particularly relevant during early pregnancy examinations, especially when the patient shows a positive pregnancy test result but the clinical signs are not yet fully clear.

In very early pregnancy, particularly before the fifth week, the ability of ultrasound to provide significant diagnostic value is limited. Some studies and systematic reviews indicate that using modern ultrasound devices, the gestational sac can be visualized faster compared to other examination methods. This detection helps medical personnel determine the next management steps, for example, differentiating between a normal intrauterine pregnancy, an ectopic pregnancy, or even a recent miscarriage.

Recent meta-analysis results also support this finding. At five weeks of gestation, the sensitivity of ultrasound in identifying pregnancy ranges from 90 to 95 percent, indicating that this tool is highly reliable (Shaamash et al., 2020). This high sensitivity is also balanced by a good level of specificity. Overall, the use of ultrasound in early pregnancy not only facilitates the detection of an empty uterus or gestational sac but also provides a strong foundation for clinical decision-making.

As accuracy continues to improve with technological advancements, the role of ultrasound will become increasingly vital in modern obstetric practice, particularly in managing very early-stage pregnancies that do not yet show clear clinical pictures, as the researcher explained at the beginning that the most important goal of Islamic law is to protect religion, life, intellect, wealth, and human dignity. Therefore, Islamic law has given full attention to the primary rights of human beings.

Islamic law allows a husband who has not yet divorced his wife to

reconcile with her up to three times. Reference without remarriage is given a time limit equal to the wife's waiting period (iddah). Therefore, providing an opportunity for self-reflection for the divorced couple is also one of the objectives of Islamic law in determining the waiting period.

## CONCLUSION

In Islamic jurisprudence literature, the waiting period (iddah) is determined differently based on the woman's condition. For those who are still menstruating, the waiting period (iddah) lasts for three menstrual cycles; for women whose husbands have passed away, the waiting period is four months and ten days; while for pregnant women, the waiting period ends upon delivery. This provision is not solely intended to ensure an empty uterus, but also carries religious value and social function. Classical Islamic jurists emphasize that the waiting period (iddah) is a form of obedience to the Sharia, which is full of wisdom, including maintaining clarity of lineage, protecting honor, providing an opportunity for mourning, and allowing for the possibility of reconciliation. From the perspective of maqāsid al-syarī'ah (the objectives of Islamic law), the obligation of iddah is closely related to the principles of ḥifẓ al-dīn (preservation of religion) and ḥifẓ al-nasab (preservation of lineage), as iddah serves to prevent lineage confusion while also maintaining the moral order of society. Thus, iddah is not merely understood as a ritual obligation, but as a sharia instrument to achieve the welfare of both individuals and society.

Ultrasound can only see the condition of a woman's uterus, but it cannot absolve a woman of her obligation to fulfill the iddah sharia. On the other hand, modern technology like ultrasound does offer the ability to medically prove that a woman's uterus is empty. However, it is important to remember that ultrasound can only capture the physical aspects of the situation. This technology does not have the ability to replace the other, emotional, and social dimensions contained in the objectives of iddah.

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