

Factors That Cause Denial of Iddah (Waiting Period), Entitlements: A Case Study of Kano State, Nigeria

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Abstract: The study is to identify the reasons that cause the divorced husband did not allowed his wife to enjoy her entitlements during her iddah (waiting period) as it is provided by the Islamic law, until the expiration of three consecutive menstruation periods or months. In Islamic law is well known that the divorced woman should stay in the marital home after sentenced her divorced from sometimes known as iddah period of waiting, during this time the husband is to provide clothes, food, shelter and some other life felicity. Two hundred divorced men and women were served with the questionnaires administered in English and Hausa languages, respectively which has been answered by the divorced men and women.

Key words: Iddah, divorce, maintenance, women, men

INTRODUCTION

There are so many attempts to defined the meaning of the term iddah which is an Arabic word derived from Adad which only means the waiting period in which woman should stay in the case of dissolving of wedding, it is either could be by divorce, death or any other reasons that cause dissolution of marriage, the following are the meaning of iddah by some scholars: according to the Hashimi (2011). Define iddah as literally means: is to keep count. In the Islamic legal terminology is the period after her husband's demise in which the woman has been instructed to refrain from getting married again. According to Chaudhry (1991) in his book Women's right in Islam state that Ameer Ali defines iddah as: "An interval which a woman is bound to observe between the termination by death or divorce of one matrimonial alliance and the commencement of another". There is consensus among the Muslims scholars that the divorced husband shall provide maintenance of his divorced wife for a good 3 consecutive months or within her three menstrual period which is the reasonable time for the non-pregnant woman period of iddah, this maintenance includes a suitable accommodation, clothes, food and other life necessities (Aktar, 2012) and she also is not good for her to leave the matrimonial house immediately after sentence her a divorced nor the husband push her out excerpts with the acceptable reason by the Islamic law. As the Almighty Allah (S.W.T), said in the holy book:

○ Prophet! When you divorce women, divorce them at their 'iddah and count their 'iddah. And have taqwa of Allah, your Lord. And turn them not out of their homes nor shall they leave except in case they are guilty of Fahisha Mubayyinah. And those are the set limits of Allah. And whosoever transgresses the set limits of Allah, then indeed he has wronged himself. You know not, it may be that Allah will afterward bring some new thing to pass" (Qur'an by Ibn Kathir Surah Talaq, Verse 1)

Theoretical approach: The theoretical approach in which this study will take or follow the theory of conducting this research is the theory of fiqhul Al-Nikha as the area of restriction of doing the study. These mean that the research has no problem with the social issue; this is the jurisdictional area of research. Allah said:

○ Prophet! When you divorce women, divorce them at their 'iddah and count their 'iddah. And have taqwa of Allah, your Lord. And turn them not out of their homes nor shall they leave except in case they are guilty of Fahisha Mubayyinah. And those are the set limits of Allah. And whosoever transgresses the set limits of Allah, then indeed he has wronged himself. You know not, it may be that Allah will afterward bring some new thing to pass

Katheer (2003) in commentary on this were Almighty Allah says:

And turn them not out of their homes nor shall they leave) meaning, during the duration of the 'iddah, she has the right to housing from her husband as long as the 'iddah period continues. For this reason, the husband does not have the right to force her out of her house nor is she allowed to leave his house because she is still tied to the marriage contract

Allah said (Al-Khattab, 2007):

"Except in case they are guilty of Fahisha Mubayyinah" meaning that the divorced wife is not to abandon her husband's house unless she commits Fahisha Mubayyinah in which case, she vacates her husband's house. For example, Fahisha Mubayyinah implies adultery, according to 'Abdullah bin Mas'ud, Ibn 'Abbas, Sa'id bin Al-Musayyib ash-Sha'bi, Al-Hasan, Ibn Sirin, Mujahid, 'Ikrimah, Sa'id bin Jubayr, Abu Qilabah, Abu Salih, Ad-Dahhak, Zayd bin Aslam, 'Ata' Al-Khurasani as-Suddi, Sa'id bin Hilal and others. Fahisha Mubayyinah implies disobeying her husband openly or when she abuses her husband's family in words and actions, according to Ubay bin Ka'b, Ibn 'Abbas, 'Ikrimah and others

Abu Salamah narrated that Fatimah bint Qais, sister of Ad-Dahak bin Qais, told him that Abu Hafs bin Al-Mughirah Al-Makhzumi divorced her three times then he went to Yemen. His people said to her, "You are not entitled to maintenance from us". Khalid bin Al-Walid (RA) came with a group of persons to Allah's Messenger (PBUH) in the house of Maimunah (RA) and said, "Abu Hafs has divorced his wife three times is she entitled to maintenance?" Allah's Messenger (PBUH) said, "She does not have the right to maintenance but she has to observe 'iddah'." And he sent word to her, saying, "Do not be hasty in making a decision concerning yourself." He told her to move to (the house of) Umm Sharik then he sent word, saying, "Umm Sharik is visited by the first Muhajirin. Go to Ibn Umm Maktum, the blind man for if you take off your 'Khimar' (i.e., the head cover), he will not see you." So, she went and stayed there and when her 'iddah' was over, Allah's Messenger (PBUH) married her to Usamah bin Zaid bin Haarithah (RA).

This hadith also goes to show that each and every divorced woman deserved maintenance provides the separated is revocable as the above narration of Imam Muslim clearly proved.

Literature review: The aim of this study will discuss the review of the related topic by using thesis, article and reports, the previous research shown that the divorced husband in Kano were leaving his wife without any

supports during her iddah period of waiting and in some cases even the supports of custody of his children he did not providers where the divorce woman struggle for what she eats and her kids. Agyare (2011) research in Kumasi also talks about the various rights of Muslim women, likes Muslim women rights in marital relationship, right to seek divorce, right to demand sex in marriage, rights to maintenance and right of Mahr, Agyare here conducted his research in Kumasi and our work is going to be conduct in Kano State that is to find out that since, the Muslim women have the rights of maintenance in marital relationship and after divorce during her iddah why their divorced husband not allowed them to enjoyed this kind rights or who are being guilty of denial of the rights, this is what this study are going to look up as the research question and at the same time the objective in which the study are want to achieve at the end.

According to Suleiman (2011), iddah was a form of social legislation that required men to treat their wives with dignity while maintaining them financially. However, what is stated in the primary sources of Islam is not always practiced. The various contexts have thus change from the time originated which now a days the high number of divorced husband in Kano are not allowing their divorced wives to stay in the matrimonial home as well as the maintenance during their waiting period.

Researcher said that some Muslims men were not practice the rule of maintaining their divorced wives during their waiting period which includes providing the foods, clothes, shelters and allowing them to stay in the matrimonial home until the expiration of their iddah, Consequently, some men deviate from Islamic norms when it comes to practices around the iddah and divorce. This bring about that some women cannot excise the various rights Islam awarded them by the Almighty Allah that they should be stay at the matrimonial home through, the waiting period expired and they deserved all the necessary maintenance, unless they are found guilty which is acceptable by the Islamic law, so now they are no long deserved such maintenance. Neither do they have access to some of the resources they are entitled to during the period of iddah.

According to Yusuf (2007) while performing iddah, the right of Muslim divorced women in Northern Nigeria is being denied such as living in the matrimonial home. They also do not receive her maintenance as well as their children under her custody. This research is going to find out what are the factors that result from the divorced husbands denied such right to their wives.

A local Muslim Magazine based in Johannesburg called Muslim women, published a series running case studies on divorce in conjunction with the Islam Care line that provides social and psychological services to women in South Africa. One woman who participated in a case

study indicated that her husband refused to allow her to perform a period of waiting (iddah period) in her matrimonial home. These are against the Islamic law as a woman are supposed to perform her waiting period in the marital home together with her husband. So, at this junction a serious question need to be asked. What are the factors that lead the divorced man from the denial of this right to his wife?

El-Sheikh (2007) in his study, talk about the post-divorce financial support from the Islamic perspective that the Qur'anic verse and the Hadith of the noble Prophet (Peace and Blessing be Upon Him) and he also tried to bring the views of the Qur'anic commentaries which includes Imam Qurtabi, Ibn Kathir and so many others. They concluded by saying that divorced women are entitled to 3 consecutive months of spousal support during their religiously prescribed waiting period, known as 'Iddat Al-Talaq. The question are rising here why or what are the factor that cause now a days the divorced women are not enjoying such right in the area of this study Kano State which had been dominated by their male counterpart. The answer to the above question will be finding out in the end this study.

According to Sa'adu (2009), the observation of iddah is taken with levity in our society particularly iddah of divorce. Today, most women observe their iddah either at their parent's house in the house of her guardian, her uncle or cousin or not observing it at all. This idea is indeed a violation of the law and it is totally against the injunction of Almighty Allah." Hafsat is deserved to be commended as she conducted her research in Nigeria and also related the blame for the ignorance and lack of maintenance from their counterpart the divorced husband but there is another question still need to be answer which she did not respond to in her research, the question here is why or what are the reason that lead's the divorced husband did not give maintenance to his wife during the iddah period. This study will provide the answer to the above non-answer question in the findings.

According to Aktar (2012), it generally agrees that the wife is entitled to maintenance during the continuation of the Marriage. After divorce, she also entitled to maintenance during the iddah period. Islamic law grants a Muslim wife right to support from her husband not only during subsistence of the Marriage but also reasonably after dissolution of the wedding. There is no controversy that the husband is bound to maintain the wife during the 3 consecutive months of iddah period. He further states, "The effective implementation of maintenance rulings for wives and children where husband is able but unwilling to meet their obligations in this regard is a major preoccupation of poor women." Question must be rise here why or what are the reasons or causes that result the

divorced husband did not maintain his wife which the above researcher did not talk about any reasons or factors relating to this issue.

According to Olore, the divorced women in Kano State are been left by their husband without any financial support as it is provided by the Islamic law that the divorced women should stayed in the matrimonial home till the expiration of waiting period, "At the moment there is no provision for compensation for a female that is divorced. There is nothing in the provision of the Islamic law of the state that a divorced woman should be paid a certain amount for being in a relationship for a number of years. But in wider Islamic jurisprudence, some scholars have identified the need for a due for women who left a relationship as a result of divorce. These include suitable accommodation and some amount paid to them for their labor in the relationship over the years." Researcher did not mention any factor or related the fact either to the divorced husband, wife, government or guardian. In which at the end of this research the answer to this question will be found.

There was the publication, knowing our rights by Women Living Under Muslim Laws (2006). In all systems where the law requires a waiting period following the dissolution of a marriage, the man is responsible for maintaining the woman during this time. However, if the wife has initiated the divorce or she is found to be 'at fault' or she engages in a subsequent sexual relationship; her right to maintenance during this period may be lost. However, where a husband alleges his divorced wife's immorality in a male *fi de* attempt to escape his support obligations, the courts may not relieve him of his responsibility? In Nigeria, divorced woman has clear rights to remain in the marital home but they almost never do so. A question may arise here why the divorced husbands denied such right to their wife within the prescribed waiting period. This issue the above research did not say anything in relation to the reason of such matter.

MATERIALS AND METHODS

The study was conducted in Kano State Nigeria. The research targeted 200 divorced women and men who either be in marriage contract during the research or at least have experience in marital relationship (that is widower or who have been separated with his wife). In the process of conducting the study, researcher used questionnaire as the method of gathering the information's on the subject matter. The questionnaire was administered by researcher in English and Hausa Languages, respectively (as most of the victims were Hausa speakers and illiterate) and the sample was selected

using simple random sampling technique. Data will be analyzed using Statistical Package for Social Sciences (SPSS) Version 21.

The following describes statistical methods will be used to analyze data: first, descriptive statistics will be done using frequency counts, percentages, means and standard deviations for the items of the research question also provided. During data analysis, themes were combining in addition that is any related issues (reasons) were merged together in order to avoid repetitions, during analysis and interpretations of our primary data, since our questionnaire generally consists of closed-ended. Additionally, data was also provided using descriptive statistics which is in the form of the table in order to know the percentages of each and every reason for denial iddah entitlements. However, the interpretation of data will also provide which has been collected from the various participants, taking the research question into consideration. However, narrated story also will be provided, this is in a situations when it happened the member narrated a story to researcher when he filling the questionnaire, reason for his denial of his entitlement during iddah.

RESULTS AND DISCUSSION

Two hundred respondents living in Kano State Nigeria was accessed for this study (Table 1). All were Hausa speakers; thirty participants were referred to me by the member of Kano State Hisbah Board. And seventy participants were found to me in women schools (Makarantur matan aure) and women vocational centers while the remaining one hundred members were found using simple random sampling technique.

In addition, the participants varied in terms of age. The youngest participants were 15 years of age which they are 52 in number that is between the ages of 15-20 years which also constitute 26% of the members (26.0%). Forty two members found themselves within the age categories ranging of 21-250 years, they also 21.0%. Sixty eight members were found themselves within the age group also ranging from 26-30 years of ages which are also constituting 34.0%. Thirty eight participants also were between 31-35 years of age, respectively are also 19.0%. This is equivalent to 100.0%.

The majorities of respondents are women which they are one hundred and twenty two members which equivalent to 61% of the respondents (Table 2). In addition from the side of men are seventy eight respondents out of the two hundred participants that is same to 39.0% out of the 100%.

Table 3 indicates that all respondents resided in Kano State within the different areas and Local Governments, like I mentioned in the previous chapter

Table 1: Age

Age	Frequency	%	Valid	Cumulative
1-15-20	52	26.0	26.0	26.0
2-21-25	42	21.0	21.0	47.0
3-26-30	68	34.0	34.0	81.0
4-31-35	38	19.0	19.0	100.0
Total	200	100.0	100.0	-

Table 2: Gender

Gender	Frequency	Percent	Valid (%)	Cumulative (%)
Male	78	39.0	39.0	39.0
Female	122	61.0	61.0	100.0
Total	200	100.0	100.0	-

Table 3: Areas of the respondents

Areas	Frequency	%	Valid (%)	Cumulative (%)
Kano Central	155	77.5	77.5	77.5
Kano North	25	12.5	12.5	90.0
Kano South	20	10.0	10.0	100.0
Total	200	100.0	100.0	-

Field work survey (2014)

Table 4: Education

Education	Frequency	%	Valid (%)	Cumulative (%)
Primary	52	26.0	26.0	26.0
Secondary	89	44.5	44.5	70.5
Tertiary institution	59	29.5	29.5	100.0
Total	200	100.0	100.0	-

Table 5: Children

Children	Frequency	%	Valid (%)	Cumulative (%)
1-3	52	26.0	26.0	26.0
4-6	36	18.0	18.0	44.0
7-10	25	12.5	12.5	56.5
Others	87	43.5	43.5	100.0
Total	200	100.0	100.0	-

Field work survey (2014)

and researcher divided the Kano into three senatorial zones as it was in the state for him to be easier of interpretation, instead of mentioning their various local government areas. The senatorial are Kano Central in which researcher meet with the one hundred and fifty five respondents almost to the 77.5%. Additionally, researcher meets the twenty five respondents from Kano North that is 12.5% out of the 100%. Then, the remaining twenty respondents where comes from Kano South, respectively which they are 10.0%.

Table 4 indicates, in terms of qualifications, fifty two participants out of the two hundred were obtained their primary school certificates that are equivalents to 26.0%. However, the eighty nine of the members were received and hold their secondary school certificates which equivalents to 44.5% of the respondents. Then, finally the sum of fifty nine out of the two hundred were either earn their diploma, NCE (National Certificate of Education) and or first BSc, BA or B.Ed. Degree certificate respectively, they also constitute 29.5%.

Table 5 indicates in terms of kids,' one hundred and thirteen respondents out of two hundred respondents all had children who were older than the others. During the remaining eighty seven, they either their child are more

than ten or they don't have kids at all. Fifty two of the members out of the two hundred respondents have children either one to three which are equivalent to the 26.0% of the participants. However, the sums of thirty six respondents have children, either between four to six which constitute 19% (18.0%). Then, twenty five members have kids between 7-10, they are almost 12.5%. Finally, the categories of others covered eight seven which is 43.5%. All the participants experienced three aspects of our research in the marital relationship: divorce, iddah and the effects of divorce. In the discussion that follows, attention falls on the causes of divorce and why they are not allowed by their divorced husbands to spend their waiting period, together in the matrimonial home as it's provided by Qur'anic injunction and authentic Ahadith of the noble Prophet Peace and Blessing be Upon Him.

Reason for not giving maintenance: In overview of the questionnaire, researcher, find the some related aspects which consequently the lack of maintenance for the divorce women during their iddah (waiting period) in the research area that is Kano which is also one of our study questions.

Table 6 indicates that thirty two of our research members where perform their iddah (waiting period) in their matrimonial homes or marital homes which is equivalent to 16.0% while the ninety eight of the respondents do their ritual time from their parents homes in which constitutes 49.0% out of the two hundred participants. However, the sum of fifty three were also perform their waiting time in their guardian or (ward), same to 16.5%, this can be either in her uncle home, senior brother, cousin home and or her sisters homes. Moreover, the last and final category is that of other, seventeen respondents are the members of this class that is 8.5% of our research sample did their iddah period in other places besides the above, this can either be wife's house and or waliyyi house that is (wife representative). And this is a total number of two hundred respondents and same 100%.

Receiving of maintenance during iddah: Table 7 indicates that thirty five of our research sample where received their

Table 6: Place of iddah

Places	Frequency	%	Valid (%)	Cumulative (%)
Matrimonial home	32	16.0	16.0	16.0
Parent home	98	49.0	49.0	65.0
Guardian home	53	26.5	26.5	91.5
Others	17	8.5	8.5	100.0
Total	200	100.0	100.0	-

Table 7: Receiving of maintenance

Maintenance receiving	Frequency	%	Valid (%)	Cumulative (%)
Yes	35	17.5	17.5	17.5
No	165	82.5	82.5	100.0
Total	200	100.0	100.0	-

maintenance during their ritual of iddah (waiting period) which is equivalent to 17.5% while from the other hand it was one hundred and sixty five respondents, same to 82.5% out of the two hundred research sample are where did not received their maintenance during waiting period as it was in the source of Islamic law that the noble Qur'an and the sound or authentic Hadith of our beloved Prophet and Messenger of Almighty Allah (Peace and Blessing be Upon Him). However, the previous table also indicate that since, the high number of our study expressed that they were conduct their iddah period in somewhere else which is either parents, guardians and other place besides this, totally indicate and prove that the divorce women lose the rights provide to them by the Law of Almighty Allah.

Factors for not giving maintenance: Table 8 proves that the primary factor for not giving the divorced woman her right of maintenance is that financial incapability that is where a husband does not have any means to support his wife, when the relationship end in divorce, this can either be a husband do not have a job or he has no money at all, due to this reason his divorced wife lose the support during her ritual and a times this can be the reason for dissolving the wedding because the spouse does not have any means to feed his partner during the date of marriage and other marital financial responsibilities which is one of his primary duties as a spouse to feed his wife as well as their up spring or descendant. Fifty four of our research members were stated or mentioned this factor as the reason they lose the support or maintenance during their Iddah which is same to 27.0%. Then, the man does not want to pay that is he knew that it was his obligation under the Islamic law as a Muslim and he was also capable of supporting but he didn't want to give her assist just like that and sometimes not only the wife even the custody of his kids, he did not provide once the children are in the hand or with the ex-wife, this will happen without any reasons or circumstances that result in his obligation towards the ex-wife right fall during her iddah, fifty eight respondents mentioned this as a cause of dropping their right which is also equivalents to 29.0% out of the two hundred participants. However, the next is lack of Islamic knowledge governing the rules of divorce, this was also happening the husband divorce his wife and think that there is no another obligation on him toward his ex-wife talk less the way he divorces her its Sunni Talaq

Table 8: Factors for not giving maintenance

Factors	Frequency	%	Valid (%)	Cumulative (%)
Financial incapability	54	27	27	27
Does not want to pay	58	29	29	56
Lack of Islamic knowledge	40	20	20	76
Abuse of the right	48	24	24	100
Total	200	100	100	-

Field work survey (2014)

Table 9: Reasons for leaving matrimonial home

Reasons	Frequency	%	Valid (%)	Cumulative (%)
Does not want to stay	57	28.5	28.5	28.5
Push her out by husband	49	24.5	24.5	53.0
Practices of society	52	26.0	26.0	79.0
Lack of awareness	42	21.0	21.0	100.0
Total	200	100.0	100.0	-

or Bid'ITalaq (that is he divorced her during her monthly period or when she became pure before having any marital relationship). Forty of our research sample was expressing this factor as the main reason for not giving maintenance which is 20.0%. In Table 8, the last category of factors consequent to not giving the maintenance during iddah period is that the abuse of the right of the divorced women that is in such a manner the wife did not claim or making any effort to the subject matter, since the spouse did not give for his own, the divorced women or anyone of their family member did not demand it from the former, so for this reason the right fall and lose to the wife. Forty two participants were stated such as a cause of their losing the right which is equivalent to 21.0%.

Reasons for leaving the matrimonial homes: Table 9 indicates that the some women after lose their rights of maintenance, they also do not be allowed to occupy the matrimonial homes for their rituals; a reasons have been mentioned by both of our research respondents. The primary reason is that the divorced wife does not want to stay anymore after sentenced her divorce. Fifty seven participants stated that as a reason for leaving their matrimonial homes, same to 28.5%. The second reason is the divorced women push them out from the marital home by their partner (male counterpart) soon after he sentenced her divorce either for the revocable or irrevocable divorce. Forty nine respondents mentioned they drive away from the marital house by husband that is 24.5%. Moreover, some they stated that I even tried to remind him that it is one of my rights to occupied the same house or to provide one to me somewhere else and he refuse which I entitled to since my divorce is second not third. Then, the third one is they leave their marital house because is the practical of the society where she live in. Fifty two members said that they used to see every divorced woman leaves the husband house as soon as she was a divorce, so they see no reason for their staying, what else after divorce. They are 26.0% out of the 100%. Then the fourth one in Table 1 is that the respondents said lack of awareness is also for the reason that leads them to leaves the matrimonial house as soon as their spouse sentenced them the divorce which they said if both the couples are well known for their rights the obstacles will be mitigate. Forty two members of our study said this as the reason which is the sum of 21.0% out of our research sample.

Table 10: Reason for denial entitlements descriptive statistics

Parameters	N	Mean	SD
Place of iddah	200	2.28	0.832
Receiving of maintenance	200	1.82	0.381
Reasons for not giving maintenance	200	2.41	1.126
Reasons for leaving matrimonial home	200	2.40	1.111
Valid	200	-	-

Field work survey (2014)

Mean and standard deviation: Table 10 provides the results of the questionnaire indicating the descriptive statistics of each and every question computed from the responses of the items. As can be seen from Table 10, "place of iddah" has a mean and standard deviation response of 2.28 and 0.832, "receiving of maintenance" (1.83 and 0.381), "reasons for not giving maintenance" (2.41 and 1.126) and lastly "reasons for leaving matrimonial home" has a mean and standard deviation of 2.40 and 1.111.

CONCLUSION

The result above were clearly shown that the divorced women in Kano State Nigeria were loose the ritual iddah entitlement which includes, staying in the Matrimonial house, financial assistance until the expirations of their time which can either be three Menstrual cycles, 3 consecutive months and or delivering her conceiving. This was 82.5% of our respondents were reported that they lose maintenance during their iddah period while only 17.5% were reported they have received maintenance.

It should be in all divorce cases, the ex-wife asked her entire entitlements which includes food, clothing and accommodation, according to the means of the ex-husband in considerations that they can be back together and continue the marital relationship, this is for the revocable divorce (Talaqul Raja' i) as it was in the Qur'anic verses and authentic a Hadith.

The Kano State Government also is to provide the proper implementation of the Islamic injunctions, related to divorce and post-divorce matters in collaboration with the Kano State Hisbah Board (Islamic police).

The Kano State Governments is to provide a series of program in various Islamic centers within the forty four local governments with the collaboration of other non-governmental organization and also with Islamic teachers to educating and in lighting the divorced women concerning their rights in marital relationships and post-marriage relationships. So, the rights and obligations of husbands and wife is a thing to be known by all couples not just in the marriage but also the time of divorce.

Divorced women are to be encouraged to acquire education and skills to make them economically

productive and less relying on their husbands as well as their parents more especially when they were divorce. The council of ulama'a (islamic scholars) is to preach to the men in mosque and radio so that the obstacle would be mitigated.

The divorced women are to claim their ritual rights before the court of competent jurisdiction for the enforcing the ex-husband for her rights.

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