The Shortest and Longest Pregnancy According to Islamic Jurisprudence and Legislation of Muslim Countries

Ali Trigiyatno

Abstract: The Shortest and Longest Pregnancy According to Islamic Jurisprudence and Legislation of Muslim Countries. This study examines how long a woman’s pregnancy takes according to fiqh Islamic Jurisprudence and legal provisions in several Muslim countries. This research is purely a literature study using a normative approach that refers to the provisions of family law in several Muslim countries. The legal analysis used is an authentic and doctrinal interpretation method. The fiqh scholars state that the shortest gestation period is six months, while the fiqh scholars differ in their opinion regarding the longest gestation period. Generally, they agree that the longest gestational age is six months. Although legal provisions in various Muslim countries often do not refer to the opinion of fiqh scholars who argue that the longest gestation period is more than one year. This research finds the fact that legislators in various Muslim countries do not use the classical scholar’s opinion about pregnancy because it is considered unscientific and does not support social reality. Muslim countries generally define six months as the shortest period of pregnancy and one year as the longest, except for Brunei Darussalam which defines four years.

Keywords: gestation period, Muslim countries, Qanûn al-Ahwâl al-Syakhshiyah


Kata kunci: batasan masa kehamilan, negara Muslim, Qanûn al-Ahwâl al-Syakhshiyah

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Introduction

Determining the shortest and longest gestation period for a woman is very important because it is related to several legal issues such as determining the validity of the genealogical line, guardianship, inheritance rights, hadhânâb (maintenance), heirs, muharramat al-nikâh (forbidden marriage), and other legal issues.\(^1\)

Regarding the shortest gestation period, Islamic jurists have agreed on this time, which is 6 months or around 180 days.\(^2\) But in determining the longest limit for a woman to have children after a divorce or the death of her husband, scholars have a different opinion. As explained by Wahbah al-Zuhaili, the Hanâfiyah group argues that the longest period of pregnancy is two years. While the Shâfi’iyyah and Hanâbilah argue for four years. The Mâlikiyah group argues for five years, and this opinion is also held by Imâm Laits bin Sa’ad and Abbad bin al-Awwâm. Muhammad bin Abdul Hakam, one of the Mâlikiyah scholars, thinks that it is one Qamariyah year (lunar calendar). The last opinion of Dawud and Ibn Hazm and Caliph 'Umar bin Khattâb is 9 months of Qamariyah.\(^4\) Another opinion states that there is no maximum limit for a woman's pregnancy. This is as stated by Abû Ubaid and favored by Muhammad Amin al-Syanqithi. According to this group, the Shârî’a does not set a definite time, so the fatwa that determines the longest period of pregnancy will be automatically invalidated.\(^5\)

Furthermore, although there are not many, the facts on the ground show that there are still some Marriage Registrars (PPN) who insist on using the opinion of the Shâfi’iyyah scholars in determining the longest


\(^3\) Maria Ulfah, ‘Wanita Hamil di Luar Nikah (Status Anak)’, Jurnal Pembaharuan Hukum, 2.3 (2015), 329–34.


period of pregnancy. As told by Mahfudz Chafizi, a headman at the KUA Wonokerto, Pekalongan Regency, Central Java Province. That she once witnessed a friend of hers refusing to register the marriage of a divorced widow with the excuse of waiting 4 years to anticipate the possibility of becoming pregnant with her first husband.\(^6\) Cases like this can also be found in Malaysia where some local scholars still adhere to the opinion of the Shâfi‘iyyah jurists who stipulate that the longest period of pregnancy is 4 years.

On the other hand, especially among medical experts and legislators in the contemporary era, the fatwa of the majority of classical scholars which stipulates the longest gestation period is over one year and even up to seven years is rejected because it is difficult for common sense to accept.\(^7\) The author of the book *Ahwâl al-Syakhshiyyah* from Egypt Muhammad al-Dasûqi straightforwardly criticized the opinions of past scholars who argued that the longest gestation period was more than one year. According to him, taking into account the opinions of medical experts, the longest period of pregnancy that is more rational is one Qamariyah year.\(^8\) Meanwhile, the opinions of Ibn Hazm and Muhammad bin Abdul Hakam, which were considered *syad* (strange) in the past, are now widely used and applied in legislation in Muslim countries, bearing in mind that these opinions are closer to factual reality and experience in the world of health.\(^9\)

The topic of pregnancy has attracted the attention of many scientists. One of them is Isa Abdur-Razaq Sarumi who discusses the longest period of pregnancy with legal and medical reviews concerning the legal status of children according to Islamic law. While Abdul Aziz bin Ali al-Ghamidi discussed the shortest and longest gestation periods in terms

\(^{6}\) As it was told to the author in a class discussion at the Postgraduate Islamic Family Law Masters Program at IAIN Pekalongan on Sunday, May 12, 2019.


of fiqh and medicine which were then linked to inheritance issues.\footnote{al-Ghamidi, ‘Aqallu Muddat al-Haml Baina al-Fiqh Wa al-Thib Wa Atsarü Dzalika Fi Miratsihi’, \textit{Majalah Al-‘Adl}, 43.2 (1430), 201-224.} Another researcher, namely Aisyah Sulthan Marzuki when discussing the law on pregnant women due to adultery according to fiqh, also alluded to the longest period and the shortest pregnancy of a woman from the fiqh perspective.\footnote{Marzuki, ‘Ahkam al-Mar’at al-Hamil Min al-Zina Fi al-Fiqh al-Islami’, \textit{MDAK}, 10.63, 313–68.}

The same topic of study was also discussed by Raouane Azziz and his friends, who concluded that the jurists’ version of the longest pregnancy limit of over 43 weeks is an opinion that is not supported by strong medical facts. According to the world of medicine, the shortest period of pregnancy is 22 weeks and the maximum is 43 weeks.\footnote{Raouane Azziz and others, ‘Mirats al-Haml Wifqa al-Ma’lumat at-Thibbiyah al-Mu’ashirah’, \textit{USIM}, (2020), 200-218.} Apart from that, Abû Bakar Umar Ali also conducted a study on the shortest and longest periods of pregnancy by comparing the opinions of jurists and doctors.

In contrast to previous studies, this paper, although discussing the same topic, will analyze various statutory provisions in various Muslim countries by paying attention to the dominant school of thought in that country, then comparing it with the provisions in the legislation. The association of research topics with juridical facts in many Muslim countries was not carried out by previous researchers. This is where the difference between this study and the previous one lies, as well as the novelty of this conducted study.\footnote{Isa Abdur-Razaq Sarumi, ‘The Maximum Period of Gestation’, \textit{Journal of Islamic Thought and Civilization}, 8.1 (2018), 72–83.}

### Provisions Regarding the Period of Pregnancy in Several Muslim Countries

#### A. Countries with a Majority of the Hanâfi School

1. **Syria**

   The Syrian Arab Republic has its capital city in Damascus. The population, in 2015 is estimated to be 23,423,062 people. A country

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that has territorial boundaries with Turkey in the north, Iraq in the east, the Mediterranean Sea in the west, and Jordan in the south.\footnote{About Suriah, see Oyosoro, Felix Idongesit. "Syria in a Torment: Key Actors and Geopolitical Intrigues." (2021).} In the practice of fiqh, the majority of the population in this country follows the Hanafi school of thought which is widely known to prioritize ratio considerations in deciding a legal case.\footnote{See Berger, Maurits S. "The Legal System of Family Law in Syria." Bulletin d'études orientales (1997): 115-127. Maktabi, Rania. "Gender, Family Law and Citizenship in Syria." Citizenship Studies 14, no. 5 (2010): 557-572.}

Based on Law of the Republic of Syria Number 4 of 2019 which was passed on February 7, 2019, article 128 stipulates that the earliest pregnancy is 180 days and the maximum is 365 days.

\[\text{المادة 128/3}\
\]

أقل مدة الحمل منة وثمانون يوماً وأكثرها ثلاثمئة وخمسة وستون يوماً

Article 128, Paragraph 3. The fastest period of pregnancy is 180 days and the longest is 365 days.

Determination of the longest period of 365 days, in the non-Hijriyah Christian calendar, hinted that Syria, the majority of which follows the Hanafi school of thought, does not use the school’s opinion which determines the longest period of pregnancy is 2 years.

2. Egypt

The Arab Republic of Egypt is a country located mostly in Northeast Africa. Cairo was chosen to be the capital of his government. based on the 2017 census, Egypt has a population of approximately 94,798,827 million; about 90% of them are Sunni Muslims and some adhere to local Sufi teachings. The remainder (10%) is thought to belong to religion within the Coptic denomination (Coptic Orthodox, Coptic Catholic,

\[\text{سفارة الجمهورية العربية السورية} \quad \text{http://syremsbassy.ru/ahwal-madania.html} \quad \text{[accessed 29 May 2022].}\]
and Coptic Protestant). The Egyptian constitution guarantees that all legislation complies with Islamic law and makes the Hanafi school of thought the legal reference.

Through Law number 25 of 1929 article 15, Egypt stipulates that the shortest gestational age is 6 months and the longest gestation period is one year. Lineage claims will not be recognized if there are children from a wife whom she and her husband have never met since the contract, also children from a wife born one year after the husband’s departure, or children born to a wife whose husband has died after more than one year from divorce or the death of her husband. This is as stipulated in the Egyptian State Law as follows:

B. Countries with the Majority of the Maliki School

1. Kuwait

Kuwait is a monarchy country that is rich in oil. In 2014 this country is inhabited by no less than 4.2 million people. Indigenous non-Kuwait residents are more in this country. About 1.3 million people are native Kuwaiti citizens, and 2.9 million people are immigrants from

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18 Abdul Wahhab Khallaf himself favored the opinion that the longest period was two years according to the ruling in the Hanafi school but also admitted that based on research and habits, the average gestation period is around 9 months. See Abdul Wahhab Khallaf, *Ahkâm al-Ahwâl al-Syakhshiyyah Fi al-Shâri‘ah al-Islâmiyyah* (Kuwait: Dâr al-Qalam, 1990), p. 177.

various countries around the world. It is estimated that 85% of Kuwait's population adheres to Islam. In this country, the Shia community is quite large with a percentage between 30% -40% of the total population of Kuwait. Most Shia communities follow the Ja’fari or Shia Imâmiyah schools of thought. While the majority of Sunni Muslims follow the Maliki school of thought in matters of jurisprudence.  

Kuwait stipulates the shortest and longest limits of pregnancy as stated in Law Number 51 of 1984 Article 166 which reads:

أقل مدة الحمل ستة أشهر قمرية, و أكثرها خمسة و ستون وتلاثمائة يوم

The fastest period of pregnancy is 6 months Qamariyah and the longest period is 365 days.

From the formulation of the article, the Kuwaiti lawmakers did not use the opinion of the Maliki school of thought which stipulates the longest gestation period is 4 or 5 years. The law is more inclined towards the Shia Imami school which has a sizeable community in Kuwait. In Shia Imamiyah fiqh, according to Shia scholars, the longest gestation period is generally 9 months, some 10 months, and some even 1 year. But all Shia scholars agree that there is no more than one year, even if it's only one hour. This determination is somewhat strange because the shortest period strictly refers to 6 Qamariyah months while the longest period is 365 days which refers to the Gregorian calendar.


2. Algeria

Algiers was chosen as the capital of the People’s Democratic Republic of Algeria. The official languages spoken are Arabic, Berber, and French. Its population in 2015 is estimated at 39,500,000 people. The country’s borders are with Tunisia to the Northeast; to the east by Libya; on the West with Morocco; in the South-West, it is bordered by Western Sahara, Mauritania, and Mali; Niger in the Southeast; and in the north by the Mediterranean Sea.23

The Algerian government through Qanun al-Usrah of 2007 article 42 stipulates that the shortest period of pregnancy is six months while the longest period is ten months. These provisions are stated in the above regulations which read:

أقل مدة الحمل ستة أشهر و أقصاها عشر (10) أشهر

Algeria is somewhat unique in setting the longest limit of pregnancy by setting ten months, shorter than other countries which set an average of one year. Algeria does not adhere to the provisions of the Maliki school of thought, the school generally adhered to by the Algerian population.

3. Sudan

Sudan is the third largest country in Africa and the sixteenth largest in the world. The country shares borders with Egypt to the north, the Red Sea to the northeast, Eritrea to the east, Ethiopia to the southeast, Central Africa to the southwest, Chad to the west, and Libya to the northwest. The capital of Sudan is Khartoum, with Arabic and English being the official languages. The total population of Sudan in 2015 is estimated at 38, 435, 252 people. Most of the population of Sudan follows the Maliki school, a school that is widely followed by the African population.25

25 See Adesina, M. A. "The Health Status and Demographics of a Conflicting Country:
Sudan, as can be observed from the Qanun al-Ahwal ash-Syakhshiyyah issued in 1991, article 100 determines the fastest period of pregnancy for a minimum of 6 months and a maximum of one year. These provisions are stated in the Qanun above which reads:

100 - أقل مدة الحمل هي ستة أشهر وأكثرها سنة

4. United Arab Emirates

The United Arab Emirates is a country that is known to be prosperous because of its petroleum resources. The country is made up of seven emirates which include Abu Dhabi, Ajman, Ras al-Khaimah, Sharjah, Umm al-Qaiwain, Dubai, and Fujairah. No less than 9.3 million people live in the United Arab Emirates. The capital city of this country is Abu Dhabi. The indigenous people of this country are fewer than migrants who mostly come from South Asia such as Bangladesh and Pakistan. The official language used in everyday life is Arabic. Residents of the United Arab Emirates generally adhere to the Maliki school of thought.27

The court system in the United Arab Emirates follows several legal systems such as the British system, and the civil law system which is influenced by Islamic law, French, Roman, and Egyptian law.28 The United Arab Emirates is a country that is relatively late in drafting family law laws. The codification of family law was carried out by the United Arab Emirates in 2005, which was then followed by its neighboring countries, namely Qatar, in 2006, and Bahrain, in 2009, only Saudi Arabia has not yet codified family law because it feels that the current

Hanbali fiqh is sufficient for judges to exercise ijtihad when handling cases.\(^{29}\)

The United Arab Emirates stipulates that the shortest period of pregnancy is 180 days, while the longest period is 365 days for Syamsiyah.\(^{30}\) This is as stated in the provisions of the Ahwâl Syakhshiyyah Law Number 28 of 2005 article 91, as follows:

المادة 19 أقل مدة الحمل مائة وثمانون يومًا، وأكثره ثلاثمائة وخمسة وستون يومًا مالم تقرر لجنة طبية مشكلة لهذا الغرض

The United Arab Emirates mentions the number of days and not months as in most other countries; This has the advantage that days are more concrete and detailed than months. It seems that the calendar referred to in the law is the Gregorian calendar because it mentions a year of 365 days while the number of days in a year according to the Qamariyah calendar is approximately 354 days.

C. Countries with the Majority of the Shafi'i School

1. Yemen

The capital of the Republic of Yemen is San'a. Arabic is used as the official language of the country. The population reached 29, 825, 968 people. Uniquely, Sunni and Shia followers here are close to a balance where Sunni is around 55% and Shia is 45%. Sunni followers mostly adhere to the Shafi'i school of thought, and Shiites mostly adhere to the Zaidiyah sect. Zaidiyah Shiites are moderate Shia and their fiqh thinking is closer to Sunni compared to other Shia sects.\(^{31}\)


In Yemen, the shortest and longest pregnancy period is regulated in Law Number 20 of 1992 article 128. The minimum gestation period is six months, and generally nine months. Meanwhile, the country’s longest limit is that it doesn’t give, it’s only up to evidence and determination from specialist doctors. These provisions are stated in the following formula:

مادة (128) : أقل مدة الحمل ستة أشهر وأغلبها تسعة أشهر ولا حد لأكثرها مع ظهور القرائن الدالة عليه وإستمرارها وتقرير الطبيب المختص.

Thus, Yemen is the only country stating that there is no longest pregnancy limit. What Yemen has decided agrees with Abu Ubaid’s opinion and favors Muhammad Amin asy-Syinqithi, a contemporary Mauritanian-born scholar who died in Medina.

2. Brunei

Located in Southeast Asia, Brunei is known for its strong Syafi’iyyah orientation. This country stipulates the shortest limit for gestational age is 6 months and the longest period is 4 years, exactly as stipulated in the Shafi’i school of law. This stipulation is unique, considering that while other countries have abandoned opinions for more than one year, Brunei still uses opinions that have been criticized, especially by the medical community, as something odd.

Article 113 of the Laws Of Brunei Chapter 217 Islamic Family Law explains:

A person deemed to be the father.

113. Where a woman who is married to a man gives birth to a child more than 6 qamariah months from the date of the marriage or within 4 qamariah years after the dissolution of the marriage either because of the


death of the man or divorce, and the woman has not been remarried, the man shall be deemed to be the father of the child, but the man may, by way of li’an, disclaim the child as his child before the Court. Birth is more than 4 years after the dissolution of marriage.

114. Where the child is born more than 4 qamariah years after the dissolution of the marriage either because of the death of the man or by divorce, the man shall not be deemed to be the father of the child unless he or any of his heirs acknowledges that the child is his.

D. Countries with the Majority of the Hanbali School

The majority country of the Hanbali school is Qatar. This country is known as a country with the highest per capita income in the world, the official language is Arabic, with the central government or capital city is Doha. This country has a population of around 2,120,129 in 2015. Qatar is classified as a country that has a very high human development index and is the best among other Arab countries thanks to the prosperity this country has achieved.

In terms of determining the shortest and longest limits of pregnancy, Qatar stipulates this problem in Law Number 22 of 2006 article 87 which states:

أقل مدة الحمل ستة أشهر وأكثرها سنة

The shortest gestation period is 6 months and the longest is one year.

Qatar does not refer to the fatwa of the Hanbali school which stipulates that the longest limit of pregnancy is up to 4 years. Precisely the determination of the longest period of pregnancy in this country is closer to the view of the Shia school of one year.


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E. Countries with the Majority of the Shia School
1. Iran

Iran has a capital city in Tehran. The charismatic and legendary figure of Iran Ayatollah Khomeini 1979, through the Iranian revolution, succeeded in establishing the theocratic Islamic Republic. Iran's current full name is the Islamic Republic of Iran. Iran itself is a multi-cultural country that has many ethnic groups as well as languages. The Persian tribe is recorded as the largest ethnic group in Iran with a percentage of no less than 61%, followed by Azerbaijanis at 16%, Kurds at 10%, and Lorestan at 6%.  

Rules regarding the limitation of pregnancy can be found in the Iranian Civil Code, article 1158 which reads:

Article 1158 - Any child born during married life belongs to the husband provided that the interval between intercourse and the birth of the child is not less than 6 months and not more than 10 months.

Article 1158 - Any child born during the marriage period is assigned to the husband provided that the interval between sexual relations and the birth of a child is not less than 6 months and not more than 10 months.

Such a determination is more realistic, bearing in mind that this provision is closest to the findings of the medical world and course easy to find in the real world, that the normal human pregnancy span will range from 6 to 10 months, and of course it is rare for more than 10 months. Muhammad Jawad Mughniyah, one of the contemporary Shia scholars, in his book stated that among the Shia scholars there is an agreement on the minimum limit for pregnancy, which is 6 months, but in determining the longest limit for pregnancy, they differ slightly. Some set 9 months, some 10 months and some even set 1 year. However, among Shia scholars, there is a uniformity of opinion, that the longest gestation period may not be more than one year, even if it is just over one hour.  

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2. Bahrain

Bahrain is the third smallest country in Asia after Maldives and Singapore. The area of this country reaches 780 km². The capital of Bahrain is Manama, which is the official language of Arabic.  According to the CIA World Factbook, the 2001 country census showed that 81.2% of Bahrain’s population is Muslim (Shi’a and Sunni), 5% are Christian, and 14% are of other faiths including Hindus. Among Muslims, Shiites make up around 55% of Bahrain’s total Muslim population. The majority of Shiites are Shia Imamiyah, while the Sunni community generally follows the Hanafi school of thought. In smaller numbers, some Muslims follow the Ibadi sect and the Maliki school of thought available in Bahrain.

Regarding the rules for the shortest and longest pregnancies, Bahrain stipulates that the shortest period of pregnancy that can be used as a basis for determining lineage is 6 months of Qamariyah, while the longest limit is one full Qamariyah year. This is as regulated in article 71 of Law Number 19 of 2017 which was promulgated on July 20 2017 as follows:

أقل مدة الحمل ستة أشهر قمرية، وأكثرها سنة واحدة قمرية.

The description above can be briefly described in the table as follows:

<table>
<thead>
<tr>
<th>Country</th>
<th>Schools of Law</th>
<th>Shortest Period</th>
<th>Longest Period</th>
<th>Legal basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Syria</td>
<td>Hanafi</td>
<td>180 days 1</td>
<td>365 days</td>
<td>Law Number 4 of 2019 article 128</td>
</tr>
<tr>
<td>Egypt</td>
<td>Hanafi</td>
<td>6 months</td>
<td>1 year</td>
<td>Law number 25 of 1929 article 15</td>
</tr>
<tr>
<td>Kuwait</td>
<td>Maliki-Shia</td>
<td>6 months</td>
<td>365 days</td>
<td>Law Number 51 of 1984 Article 166</td>
</tr>
<tr>
<td>Algeria</td>
<td>Maliki</td>
<td>6 months</td>
<td>10 months</td>
<td>Qanûn al-Uṣrah of 2007 article 42</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Country</th>
<th>Schools of Law</th>
<th>Shortest Period</th>
<th>Longest Period</th>
<th>Legal basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sudan</td>
<td>Maliki</td>
<td>6 months</td>
<td>1 year</td>
<td><em>Qanûn al-Ahwâl al-Syakhshiyyah</em> of 1991 article 100.</td>
</tr>
<tr>
<td>United Arab Emirates</td>
<td>Maliki</td>
<td>180 days</td>
<td>365 days</td>
<td><em>Ahwâl Syakhshiyyah</em> Number 28 of 2005 article 91</td>
</tr>
<tr>
<td>Yemen</td>
<td>Syafi‘i</td>
<td>6 months usually 9 months</td>
<td>no limit</td>
<td>Law Number 20 of 1992 article 128</td>
</tr>
<tr>
<td>Brunei</td>
<td>Syafi‘i</td>
<td>6 months</td>
<td>4 years</td>
<td>Laws of Brunei Islamic Family Law Chapter 217</td>
</tr>
<tr>
<td>Qatar</td>
<td>Hanbali</td>
<td>6 months</td>
<td>1 year</td>
<td>Law Number 22 of 2006 article 87</td>
</tr>
<tr>
<td>Iran</td>
<td>Shia</td>
<td>6 months</td>
<td>10 months</td>
<td><em>Iranian Civil Code, article 1158</em></td>
</tr>
<tr>
<td>Bahrain</td>
<td>Shia</td>
<td>6 months</td>
<td>1-year Lunar calendar</td>
<td>Law Number 19 of 2017 article 71</td>
</tr>
</tbody>
</table>

The table above shows that there are similarities in views regarding the shortest gestation period because there is an underlying text, but in terms of the longest gestation period, each country has different views. This happened, Muhammad Mustafa Syibli explained, due to the absence of texts, both the Koran and hadith, which set limits. So that it is only based on the general reality that exists among the community, or on the atsar of friends, such as the atsar of Ummul Mukminin Aisyah RA, or information on some women in rare events, such as held by a small number of contemporary scholars. Specifically for this latter matter, Ahmad Muhammad Kan’an in *al-Mausû’ah ath-Tibbiyah al-Fiqhiyyah*, stated that the determination of the longest period of pregnancy should not be based solely on weak and dubious history but rather based on facts and experience, and observations.

According to the author’s opinion, the rules set by Algeria and Iran are the most realistic and follow factual events in society, namely, the

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maximum gestation period is 10 months. Countries that set the longest period of 1 year also have the advantage in terms of prudence, this is still quite reasonable. But what Brunei has set for 4 years certainly raises big questions and tends to harm society, besides being able to cause ridicule among scientists because it is not supported by facts and scientific evidence.

In the context of Indonesia, this country does not implicitly or explicitly set limits on the shortest and longest period of pregnancy, like other countries. Supposedly this needs to be determined as has been done by other countries. The recommended limit is a minimum of 6 months and a maximum of 10 months as set by Algeria and Iran. This is because in general, the average fetus in the mother’s womb is in the range of 6 to 10 months, it is very rare to find a baby in the womb for more than 10 months.

Conclusion

Fiqh scholars and legislators in Muslim countries agree that the shortest time limit for pregnancy is 6 months after the marriage contract. However, the application of laws and regulations in several Muslim countries differs, for example, in Syria and the United Arab Emirates it is 180 days, while in other countries it is 6 months. The writing of the month in the laws and regulations in several countries does not clearly explain whether the calculation refers to the Qomariyah (lunar calendar) or Shamsiyah (Gregorian calendar).

Furthermore, differences of opinion also occur in determining the longest period of pregnancy since a divorce or the husband's death. Most Muslim countries set 1 year as the longest limit for pregnancy, while Algeria and Iran set 10 months as the longest limit. Yemen stipulates no longest limit. The United Arab Emirates, Kuwait, and Syria use the Shamsiyah calendar. Meanwhile, Brunei still maintains the opinion of the Shafi’i school of thought which stipulates the longest period of pregnancy is for 4 years.

The opinions of the four Imams of the Madhhab which stipulate the longest period of pregnancy for two years according to Hanafi, 4 years
according to Shâfi‘i and Hanbali, and 5 years according to Mâliki have been abandoned by Muslim countries, with a few exceptions, namely Brunei. However, the opinion of fiqh scholars who stipulate that there is no longest limit is used in the law in Yemen.

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