



ANALYSIS OF MODERN WOMEN'S IDDAH AND IHDAD FROM THE FUQAHA PERSPECTIVE

Ahmad Alfin Afadi

Institut Agama Islam al qodiri Jember

Email: alfin.afadi51@gmail.com

Abstract:

Islam is the complete religion in dealing with humankind from waking up to sleeping, everything has been regulated in Islam, one of which is the obligation of Iddah and Ihdad, both of which are not new laws in this modern era, but both have been around since the time of Rasulullah SAW . The provisions of iddah and ihdad that have been established by Islam are experiencing a bit of a problem in this modern era due to the large number of women who are involved in the world of careers and work to meet the needs of their families therefore the purpose of this research is to examine the opinion of the fuqaha regarding women who undergo iddah and ihdad periods but continues his career outside the home. This study used a qualitative method with the type of library research through a textual approach based on the arguments of the fuqaha scholars who sourced from journals, books, books of scholars and other scientific writings. The author draws the conclusion from this study that women who are in iddah and ihdad are prohibited from marrying before the iddah period is over and are prohibited from leaving the house except for emergencies, and are prohibited from decorating themselves. However, if a woman leaves the house to fulfil her needs, it is permissible in Islamic law, with a note that she does not overdo it when decorating, and it is reasonable.

Keywords: *Iddah And Ihdad, Modern Women, Career Woman*

INTRODUCTION

Islam is the religion that most completely regulates the affairs of a servant, whether dealing with his God or fellow living beings, with the existence of complete and detailed rules the religion of Islam can create a peaceful relationship among its adherents. Furthermore, the Islamic religion also regulates household affairs by the demands of Allah and His Messenger so that a peaceful, loving and affectionate relationship will be built. Discussion of a woman's iddah is not a recent discussion, but iddah for women existed before Islamic teachings came, of course with different practices among the people in the past, when Islamic teachings came, the discussion of iddah was maintained by Islamic teachings for the sake of creating a common good. (Nurnazl, 2018)

In Islam, the laws of Iddah and Ihdad (not adorned) are the obligations of a woman whose husband has left her (divorced or divorced). The existence of iddah aims to find out whether a woman's womb has children from her ex-husband before she marries another man. The scholars explain that a woman who is in the period of iddah but does not perform ihdad is considered disobedient to Allah.

Ihdad does not only apply to menstruating women, Imam al Qurthubi explained that the obligation of head is not specific to menstruating women, even women who have not experienced menstruation (menopause) or are immature are still obliged to ihdad. The purpose of having ihdad for women whose husbands have died is to avoid the passions and desires of men. (Law, Dan, & Social, n.d.)

The problem that often arises in today's modern era is a woman who has a big career, but when she experiences an iddah, whether divorced, dead or alive, which can

hinder her career development, seeing that the waiting time for an iddah is not short, raising the question whether women who have careers can continue. his career during iddah? It is not only iddah that must be done but ihdad (not adorned) must also be carried out, this is also a problem for career women whose appearance cannot be separated from decoration.

Considering that women are now modern women who are active in their respective fields, not a few even enter the career world. Therefore, how does the view of Islamic law respond to the phenomena that occur in society towards career women who are iddah. Even though the obligation of a woman who is iddah is not allowed to leave the house and may not wear attractive clothes and jewellery during the iddah period. It is difficult for today's women to avoid considering the economic needs that must be met, so they need an appropriate solution to this problem.

From the discussion above, this article was created to examine and explain the opinions of the jurists regarding career women who are obliged to iddah to continue their careers even though the Shari'a forbids going out and at the same time forbidding to decorate (ihdad).

RESEARCH METHODS

This study uses a qualitative method with the type of library research through a textual approach based on the arguments of the fuqaha scholars who aim to find out how Islamic law addresses the issues of iddah and ihdad of modern women from the perspective of fuqaha, especially. Sources of data in this study came from documents written by the topic of discussion in the study. During the research, all arguments in this study were sourced from journals, books, books of scholars, and scientific writings related to the object of discussion.

RESULTS AND DISCUSSION

Konsep Iddah

Iddah means counting. While iddah according to the majority of scholars is the waiting period for a woman to clean her womb, as a form of worship, or the period of mourning for her husband's departure. (Az-Zuhaili, 1985) Sayyid Sabiq argues that the word iddah also means holy days which are counted by women:

ما تحصيه المرأة وتعدّه من الايام والاقراء

It means :

"Holy days and periods counted by women." (Sayyid Sabiq & Publisher, 2017)

Meanwhile, in terms, the scholars formulate the meaning of iddah with various expressions, among others :

اسم للمدة التي تنتظر فيها المرأة وتمتنع عن التزويج بعد وفاة زوجها أو فراقه لها

It means :

"Iddah is a name or designation for the time for a wife who is waiting and is prohibited from marrying after the husband's death, or after the husband and wife are separated." (Sayyid Sabiq & Publisher, 2017)

So the term iddah according to the Ulama is a waiting period that a woman (wife) must do after she is left by her husband or divorced, either by waiting for the birth of her baby if she is pregnant or the completion of several quru' (holy period), or by the completion of three ten-day months. From this explanation, it can be concluded that iddah is a certain period that must be carried out by a woman (wife) after she is separated from her husband by being divorced by her husband or because her husband died, during this period women (wives) are prohibited from marrying men before the end of the iddah period.

Shaykh Kamil Muhammad Uwaidah explains the legal details of women who are iddah as follows :(Muhammad, Yasir Abdul Muthalib, M, & Al-Kautsar, n.d.)

First, a woman who performs iddah because her husband has died, her iddah period is four months and ten days provided that she is not pregnant.

Second, a woman whose menstruation has stopped due to a cause must wait for her menstruation to return to normal and then carry out the iddah period according to

her menstruation. But if there is no cause then she should wait for one year with details of nine months to find out if she is pregnant or not and three months for her iddah period.

Third, a woman who has never had intercourse with her husband is not obliged to perform iddah.

Do scholars have different opinions about whether a woman during her iddah period can leave the house or not? Hanafi Madzhab scholars believe that it is not permissible for a woman to leave the house, whether divorce raj'i or divorce basin. But if the woman is left by her husband, then she is allowed to leave the house. Ibnu Qudamah has another opinion that women are allowed to leave the house if the aim is to fulfil their needs either by divorce or when their husband dies. (Muhammad et al., n.d.)

The purpose of iddah in Islamic law is to liberate the woman's womb from her ex-husband's child before marrying another man, but that is not the only purpose of iddah, scholars of the Shafi'i Madzhab explained that the purpose of iddah is a form of worship, or grieving over a death. her husband.

The concept of Ihdad

In addition to carrying out the iddah, a woman (wife) whose husband has died or is divorced must also carry out ihdad (a period of mourning), that is, a wife whose husband has died must stay away from everything that might lead to marriage and stimulate lust, such as dressing up, smelling good, well dressed, and more.

The definition of ihdad has been explained by Shaykh Khatib al – Syarbini in the book Iqna' as follows:

وَهُوَ أَيُّ الْإِحْدَادِ مِنْ أَحَدٍ وَيُقَالُ فِيهِ الْأَحْدَادُ مِنْ حَدِّ لُغَةِ الْأَمْنَعِ وَاصْطِلَاحًا (الْإِمْتِنَاعُ مِنَ الزَّيْنَةِ) فِي الْبَدَنِ بِحُلِيِّ مِنْ ذَهَبٍ أَوْ فَضَّةٍ سِوَاءَ كَانَتْ كَبِيرًا أَوْ صَغِيرًا أَوْ السَّوَارِ أَوْ صَغِيرًا كَالْخَاتَمِ وَالْقَرَطِ

"Ihdad comes from ahead which can be read with a head from the origin of the word hadda which in a language is to prevent, in terms of preventing from decorating the body with gold or silver whether using a lot of gold like bracelets or small like rings.

In the book Sarah fathul wahhab Imam Abu Zakariya al - Anshori also explains the meaning of ihdad as leaving clothes dyed in colour for the purpose of adorning oneself. (Anshori, 1998)

Shaykh Wahbah az – Zuhaili explained that ihdad is something that has been made obligatory by Islamic law for women. Ihdad is also obligatory for a woman whose husband has died. The Hanafiyah school requires ihdad for women who are divorced, but jumhur scholars do not oblige ihdad for women who are divorced, only that ihdad is sunnah for her and ihdad is not required for women who are divorced raj'i by their husbands because the status of women who are divorced raj'i by their husbands is still wife status so that you can decorate yourself. Women who are in ihdad must stay away from the following: (Az-Zuhaili, 1985)

1. Decorate yourself, such as wearing gold or silver rings, even if they are black or wearing silk, but some scholars of the Shafi'i school, such as Imam Ibn Hajar, allow gold and silver to be decorated.
2. Use body perfume instead of clothes perfume, because it can steal other people's views.
3. Wear kohl.
4. Wear henna.

The Qur'an does not mention the law of ihdad for women, but the thing that underlies the law of ihdad is the hadith of the Prophet Muhammad as stated by Imam Syafi'i in the book al-Umm. (Syafi'i, 2001)

الاحداد (قال الشافعي) رحمه الله تعالى: ذكر الله تعالى عدة الوفاة والطلاق وسكنى المطلقة بغاية إذا بلغت المععدة حلت وخرجت وجاءت السنة بسكنى المتوفى عنها كما وصفت ولم يذكر إحدادا فلما أمر رسول الله صلى الله عليه وسلم المتوفى عنها أن تحد كان ذلك كما أحكم الله عز وجل فرضه في كتابه

Ihdad. Imam Syafi'i Rahimahullah said: Allah swt mentions the Iddah of a woman whose husband has died, divorced and lives in the house until the specified limit. If a woman has completed what is prescribed, then it is lawful for her to leave the house

and it has been mentioned in the hadith about the death of a woman whose husband died but did not explain *ihdad*. When Allah SWT orders the Prophet for women whose husbands die to *ihdad* then it is like becoming a law of Allah SWT which has been stipulated in the Qur'an.

Iddah and Ihdad According to Ulama

According to Imam Syafi'i, a person who has made an *iddah* obligatory is also obliged to perform *ihdad*, whether he is an adult or a child, *dhimmi*, freedmen and slaves, are all subject to *iddah*, in contrast to Imam Malik who argues that *ihdad* is obligatory for Muslim women and people of the small book. nor are they adults. For a slave whose master has died, whether he is *umm walad* or not, he is not obliged to give *iddah*. (Suparyanto and Rosad (2015, 2020)

Not only *iddah* but *ihdad* is also obligatory for women whose husbands have died, this has been regulated so clearly in the compilation of Islamic law. The problem that is often faced is that a person who is *iddah* and *ihdad* is prohibited from leaving the house. *Jumhur* scholars other than the Syafi'i *Madzhab* say that a woman who is in *iddah* and *ihdad* may leave the house for the sole purpose of meeting her needs. The following are prohibited for women who are *iddah*:

First, it is forbidden to marry, women who are in the *iddah* period whether due to divorce, *fasakh*, or the husband dies are prohibited from marrying another man. If he forces her to marry then the marriage is invalid.

Second, it is prohibited to leave the house except in an emergency, then it is permissible. A woman who is undergoing *iddah* is not allowed to leave the house where she lives with her husband, but that does not mean that she is not allowed at all. Women may leave the house when there is something urgent, such as meeting basic needs.

According to Imam Syafi'i, women who are *iddah* may live anywhere as long as it has been approved by the family of their ex-husband. Apart from that, women who are *iddah* may not wear jewellery or anything that can attract the lust of the opposite sex and are also prohibited from going out to immoral places. as long as there is an urgent need. (Khoiri & Muala, 2020).

Iddah women's livelihood

Scholars agree that a wife whose husband divorces before having sexual intercourse has no obligation to *iddah*, but during the *iddah* period the wife has the right to receive a living from her husband with a record of divorce *raj'i* except for the cost of beautifying herself because the wife does not belong to the husband anymore. (Hikmatiar , 2016)

Imam Syafi'i explained that a wife who has been divorced by her husband with *raj'i* divorce, the husband is obliged to provide for her during the *iddah* period, but if the husband divorces his wife with *bain* divorce then there is no obligation for the husband to provide for her unless she is pregnant then the husband is obliged to support because of his pregnancy. (Hidayat, 2018)

In the compilation of Islamic law, it is explained about the husband's obligations to his ex-wife as follows: (Ministry of Religion of the Republic of Indonesia, 2018)

1. Giving a proper *mut'ah* to his ex-wife, either in the form of money or goods, unless the ex-wife is *qobla al dukhul*.
2. Providing maintenance, shelter and clothing to the ex-wife while in *iddah*, unless the ex-wife has been divorced *ba'in* or *nusyur* and is *nusyur*.
3. Pay off the dowry in full, and half if *qobla al dukhul*.
4. Providing *hadhanah* costs for *thHashanah dren* who have not reached the age of 21 years.

From this explanation, there are two conclusions for the ex-wife who was divorced by her husband. First, if the husband drops *raj'i* divorces (no more than three), the husband is obliged to provide for them. Second, if the husband drops *ba'in* divorces (more than three divorces), then the husband is not obliged to provide for his wife unless she is pregnant.

Analysis of Iddah and Ihdad of Modern Women

Modern women think more about the future with various goals they want to achieve, including wanting to enter the world of careers. Career women are women who have independent jobs either by working or setting up their businesses, women who like this tend to have intelligence and are more modern. Women who have a wider range of careers are not only housewives but can play an important role in society. The role of a woman who has a career does not only go well – it is fine, many problems must be faced such as caring for and guiding children. (Kareer & Islam, 2014)

The prohibition of Islamic teachings for women who are iddah is to leave the house, this will limit the movement of steps to carry out their activities as a career and also economic demands that must be met. Then to decorate, women who are iddah must also be limited. The issue of iddah needs to be studied and clearly explained, considering that today's era is much different from the past, women who are iddah or not are required to leave the house to meet the needs of their families as parents, but for women who are iddah there are limitations. (Khoiri) & Muala, 2020)

In the past, women who were more active outside the home were seen as violating the prevailing tradition, the prevailing tradition among the people was that no matter how high school a woman went, she would eventually return to the kitchen too, but this tradition has begun to be abandoned. The work in question is like cooking, washing, caring for children, serving husbands and many other jobs that are not done outside the home. Interpretation of the kitchen is no longer what is meant, but the obligation to help the economy and support the family. Today's women play more double roles due to significant changes in the times so there are many opportunities for a better future such as being active in the fields of organization, politics, culture and many more.

There are still many pros and cons among women who enter the career world, especially if the woman has been abandoned by her husband or divorced by their husband. The scholars have agreed that the obligation to carry out iddah is none other than the aim of knowing her womb and respecting her husband's death, not only iddah, ihdad are also obligatory to carry out but specifically for women whose husbands die they are not divorced raj'i. Ihdad is a condition in which women refrain from decorating by not wearing kohl, perfume and other jewellery and are not allowed to leave the house.

In this modern era, women who are iddah and ihdad are a problem because there is a prohibition to leaving the house and decorating while she has to struggle to make a living for her children by looking for job opportunities outside the home. Fulfilling the rules of Islamic law or fulfilling the need of going out to avoid hunger requires working outside the home and leaving the iddah period. (Suparyanto and Rosad (2015, 2020)

Hanafi Madzhab scholars believe that women who are iddah divorce raj'i are not allowed to leave the house day or night because the husband is still obliged to provide for his wife, so there is no need to leave the house. In contrast to the opinion of the Hambali Madzhab, Shafi'i allows iddah women to leave the house during the day with the limitation that they have hajjah (needs) to fulfil their daily lives. The Maliki school of thought also says that women who are iddah either divorced by raj'i or die iddah are allowed to leave the house during the day to meet their needs. The Maliki school of thought does not allow iddah women to go out at night unless there is a justifiable emergency. (Razali, Hadigunawan, & Jamil, 2020)

The ruling on iddah law still has to be made bearing in mind that iddah is ta'abbudi in nature, but the ban on leaving the house cannot be applied to women who are iddah, because of a need that requires them to find a source of income by becoming a career and this is included in the category of forced hajjah if not carried out will find destruction in the economy. (Susilo, 2016)

Then for career women who are required to leave the house to support their careers and meet the needs of their children to be natural when decorating themselves, even though in reality the rules of ihdad are limiting so that inevitably they violate them a little, even so as long as they do not leave the status of women who are iddah and ihdad

and as the breadwinner of his child, of course, is permissible with the condition that he must be professional when doing it.

CONCLUSION

Iddah and ihdad are indeed both obligatory for women who have died or their husbands divorced. Shari'a prohibits women who are iddah from leaving the house, this aims to find out whether her womb still has a fetus from her ex-husband or not, so that later the status of her child will be clear when she marries another man. Ihdad also has the goal of protecting against unwanted things such as the temptation of masher men, so staying at home is the most appropriate thing for women who are iddah.

This modern era has created a bit of a problem for women who are in iddah and ihdad, apart from having to comply with the Shari'a rules which prohibit leaving the house and decorating, she also has to meet the needs of their children, therefore women who are iddah and ihdad have careers and are obliged to meet their daily needs. may leave the house to meet needs with a reasonable appearance that is not excessive

REFERENCES

- Anshori, abu zakariya al-. (1998). fathul wahhab juz 2.pdf. beirut lebanon: dar kutub ilmiyah.
- Az-Zuhaili, W. (1985). Al-Fiqh al-Islami wa Adillatuh (Al-Ahwal Asy-Syakhshiyah), Juz 7, (p. 872). p. 872.
- Hidayat, R. E. (2018). PENDAPAT IMAM MAZHAB TENTANG HAK ISTRI PADA MASA IDDAH TALAK BA'IN DAN RELEVANSINYA DENGAN UNDANG-UNDANG PERKAWINAN DI INDONESIA. *Istinbath:Jurnal Hukum*, 15.
- Hikmatiar, E. (2016). Nafkah Iddah Pada Perkara Cerai Gugat. *MIZan:Jurnal Ilmu Syariah*, 4(1), 131–172.
- Hukum, A. J., Dan, I., & Sosial, P. (n.d.). PELAKSANAAN IHDAD BAGI ISTRI YANG DITINGGAL MATI MENURUT MAZHAB SYAFI ' I (STUDI KASUS DI KECAMATAN PERCUT SEI TUAN KABUPATEN DELI SERDANG) Muhammad Syukri Albani Nasution , Hasbullah Ja ' far , Ismail Marjuki Harahap Universitas Islam Negeri Sumatera. 265–286.
- Karir, W., & Islam, P. (2014). Wanita Karir dalam Pandangan Islam. 07(2), 166–189.
- Kementerian agama ri. (2018). kompilasi hukum islam di indonesia. Retrieved from <https://www.ptonline.com/articles/how-to-get-better-mfi-results>
- Khoiri, A., & Muala, A. (2020). Iddah Dan Ihdad Bagi Wanita Karir Perspektif Hukum Islam. *JIL: Journal of Islamic Law*, 1(2), 256–273. <https://doi.org/10.24260/jil.v1i2.71>
- Lathifah, Z. K., Setyaningsih, S., & Wulandari, D. (2022). Development of Pesantren Internal Quality Assurance System Model Based on Education Unit Accreditation Instruments 2020. *Al-Tanzim: Jurnal Manajemen Pendidikan Islam*, 7(1), 983–998.
- Muhammad, S. K., Yasir Abdul Muthalib, L., M, M. A. G. E., & Al-Kautsar, P. (n.d.). *Fiqih Wanita: Edisi Lengkap* (Ed. Lengkap). Jakarta : Pustaka Al-Kautsar, 2017.
- Nurnazli, N. (2018). Relevansi Penerapan 'Iddah di Era Teknologi Modern. *Ijtimaiyya: Jurnal Pengembangan Masyarakat Islam*, 10(1), 121–142. <https://doi.org/10.24042/ijpmi.v10i1.2358>
- Razali, M., Hadigunawan, N., & Jamil, A. N. (2020). [Analysis of Islamic Legal Rulings Relating to Women Activities During Waiting Period (Iddah) of Revocable Divorce (Talaq Raj'ie) According to Muslim Jurists] *Analisa Hukum Berkaitan Aktiviti Wanita Dalam Iddah Talak Raj'ie Menurut Pandangan Fuqaha. Jurnal Islam Dan Masyarakat Kontemporer*, 21(2), 11–21. <https://doi.org/10.37231/jimk.2020.21.2.479>
- Sayyid Sabiq, & Penerbit, R. (2017). *FIQIH SUNNAH 3*. Republika Penerbit.
- Suparyanto dan Rosad (2015). (2020). IDDAH DAN IHDAD WANITA MODERN. *Suparyanto Dan Rosad* (2015, 5(3), 248–253.
- Susilo, E. (2016). Iddah Dan Ihdad Bagi Wanita Karir Perspektif Hukum Islam. *Al - Hukama the Indonesian Journal of Islamic Family Law*, 6.

<https://doi.org/10.24260/jil.v1i2.71>
Syafi'i, I. (2001). Al-Umm Juz 6. Fiqh. dar wafa'.