



## **Reposition of *Ihdad* Women’s Multi-Career Perspective: Philosophical, Historical, Juridical, and Sociological Studies**

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### **Abstract**

Repositioning the *ihdad* of career women is a phenomenon that involves changing the role and position of women in a professional context. A multi-perspective approach is needed for a complete grasp of this phenomenon, including philosophical, historical, juridical, and sociological studies. The research method is the normative method with a literature review (library research) with a phenomenological approach, historical approach, philosophical or philosophical approach to Islamic law (*ushul fiqh*), juridical approach (regulations and fatwas), and sociological approach, then combined with retrospective methods and analyzed qualitatively. According to the results, a thorough comprehension of women’s shifting roles and positions in the workplace can be seen in the repositioning of *ihdad* from a philosophical, historical, legal, and sociological standpoint. From a philosophical perspective, career women’s *ihdad* repositioning involves considerations of gender equality, justice, and human dignity. From a historical perspective, career women’s *ihdad* repositioning reflects significant social changes in the role and position of women in the workplace. Historically, women were often restricted to domestic roles and deemed unsuitable for careers outside the home. From a juridical perspective, career women’s *ihdad* repositioning involves a legal analysis related to the protection and rights of women in the workplace. From a sociological perspective, career women’s *ihdad* repositioning involves an analysis of social structures and social interactions that affect women’s position in the world of work.

**Keywords:** Repositioning, *ihdad*, career woman, multi perspective

### **Abstrak**

*Reposisi ihdad perempuan karir merupakan fenomena yang melibatkan perubahan peran dan posisi perempuan dalam konteks profesional. Pendekatan multiperspektif diperlukan untuk memahami fenomena ini secara utuh, baik melalui kajian filosofis, historis, yuridis, maupun sosiologis. Metode penelitian yang digunakan adalah metode normatif dengan tinjauan pustaka dengan pendekatan fenomenologis, pendekatan historis, pendekatan filosofis atau filosofis terhadap hukum Islam, pendekatan yuridis (peraturan dan fatwa), dan pendekatan sosiologis, kemudian dipadukan dengan metode retrospektif dan dianalisis secara kualitatif. Berdasarkan hasil penelitian, pemahaman menyeluruh terhadap pergeseran peran dan posisi perempuan di dunia kerja dapat dilihat pada reposisi ihdad dari sudut pandang filosofis, historis, hukum, dan sosiologis. Dari sudut pandang filosofis, reposisi ihdad perempuan karir melibatkan pertimbangan kesetaraan gender, keadilan, dan martabat manusia. Dari sudut pandang sejarah, reposisi ihdad perempuan karir mencerminkan perubahan sosial yang signifikan dalam peran dan posisi perempuan di tempat kerja. Secara historis, perempuan seringkali dibatasi pada peran domestik dan dianggap tidak cocok untuk berkarir di luar rumah. Dari segi yuridis, reposisi ihdad perempuan karir melibatkan analisis hukum terkait perlindungan dan hak-hak perempuan di dunia kerja. Dari sudut pandang sosiologi, reposisi ihdad perempuan karir melibatkan analisis struktur sosial dan interaksi sosial yang mempengaruhi posisi perempuan di dunia kerja.*

**Kata Kunci:** *Repositioning, ihdad, wanita karir, multi perspektif*

### **Introduction**

Modern Muslim women face a shifting set of goals and responsibilities by Islamic law. Intellectual and socio-economic conditions need to get top priority so that a person can achieve guaranteed quality standards and properly fulfill his rights. So that in this way, Indonesian Muslim women can play a role in the present and the future of modern world civilization to participate in national development in the context of serving Allah SWT.<sup>1</sup>

Without reducing its existence, women's progress in the public sphere is still being discussed. Discussion of women's progress directly results from a colonial mentality prioritizing men as problem solvers. Eastern customs also support this condition, where women are always subject to their husband's rules. In the pesantren community, the role of women is arranged in such a way in the study of classical

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<sup>1</sup>Yusna Zaidah and Raihanah Abdullah, "The Relevance of Ihdad Regulations as a Sign of Mourning and Human Rights Restriction," *Journal of Human Rights Culture and Legal System* 4, No. 2 (2024). p. 422-448. Samsul Arifin and Wismar Ain Marzuki, "Ihdad Bagi Perempuan dalam Kompilasi Hukum Islam (Sebuah Analisis Gender)," *Lex Jurnalica* 12, No. 3, (2015), p. 213.

books.<sup>2</sup> For instance, women who have lost their spouses in the workplace must observe iddah and its subsequent rites, including ihdad. Women must observe the iddah period before getting married again following a divorce or the death of their husband. Scholars believe that if a woman has been divorced or her husband has died, she must perform iddah and ihdad to determine if she is pregnant.

The Qur'an sets the length of a widow's *iddah* at four months and 10 days. Women whose spouses have deserted them must also do *Iddah*. *Ihdad* is the period of mourning observed by women, lasting for four months and ten full days. The spouse shouldn't be allowed to leave the house, dressed up, given perfume, or allowed to use eye makeup at this time.<sup>3</sup> Respect the departure of the husband; this practice is recommended. After the iddah time, wearing jewelry, making marriage offers, and signing marriage contracts is acceptable.

The thing that prompted the *jumhur fuqaha* to oblige ihdad, in general, was based on an authentic hadith narrated by Ummu Salamah r.a., spouse of the Prophet Muhammad PBUH.<sup>4</sup> *Jumhur ulama* said that based on this hadith, we must adhere to the opinion that *berihdad* is obligatory.<sup>5</sup> This hadith further supports his claim that faith is necessary for ihdad, demonstrating that ihdad is a type of worship.<sup>6</sup> Ihdad is intended to prevent the gaze of men during the iddah of women and, similarly, prevent women from looking at men.

Talking about women's ihdad in the context of work and career and then looking at it from a gender perspective at least makes one's thinking mainstream regarding the position of women who exist in the public sphere with an assumption, whether the figure of a woman will change from the previous provisions, which incidentally is motivated by a culture of the society that does not popularize women's actions or the figure of a woman will change with the emergence of a cultural shift and women's actions that have been fought for by some groups. At the same time, in this modern era, women have to live with different conditions, where a woman dominates the world of work or at least in the modern era. When a woman's husband abandons the family, she often takes on additional responsibilities outside the home to provide for her children and other relatives.

According to conservative and cultural groups, women are only housewives, educating children and serving their husbands, and not allowed to have activities outside the home because this is men's job. The Qur'an has done away with gender

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<sup>2</sup>K H Husein Muhammad, *Perempuan, Islam, dan Negara* (Yogyakarta: IRCISOD, 2022), p. 99.

<sup>3</sup>Ahmad Muslimin, "Iddah dan Ihdad Wanita Modern," *Jurnal Mahkamah: Kajian Ilmu Hukum Dan Hukum Islam* 2, no. 2 (2017), p. 228.

<sup>4</sup>Hafiz Anshary dan T H Yanggo, "Ihdad Wanita Karir," *Problematika Hukum Islam Kontemporer*, Jakarta: Pustaka Firdaus, 2009, h. 12.

<sup>5</sup>Dedisyah Putra, "Konsep 'Urf dan Implementasinya pada Ihdad Wanita Karier," *El-Usrah: Jurnal Hukum Keluarga* 2, no. 2 (2019), p. 274.

<sup>6</sup>Yudi Arianto dan Muhammad Za'im Muhibbulloh, "Ihdad Suami Perspektif Masalah Mursalah," *The Indonesian Journal of Islamic Law and Civil Law* 3, no. 1 (2022), p. 103.

inequality over the past 14 centuries. In the eyes of God, men and women are on equal footing. Men and women are the same. No one should feel superior because of these disparities; rather, they should be seen as the product of the religion's primary tasks and duties to each sex, as outlined in the Qur'an and Sunnah. Instead, they enhance one another and function together.

In general, it appears that the Qur'an recognizes a differentiation between males and females. However, this differentiation does not favor one group over another (discrimination). Help realize the Qur'an's vision of an ideal society in a peaceful country full of God's mercy. These variations are designed to bolster the Quran's obsession with creating harmonious relationships based on compassion (*mawaddah wa rahmah*) within the family. Islam's understanding of gender relations is grounded on scriptures that speak to the overarching goals of the law (*maqashid Shari'ah*), such as promoting justice and morality, establishing safety and tranquility, and encouraging good deeds while discouraging bad ones. The value of justice, the level of security, peace, goodness or badness, is, of course, difficult to measure, but presumably, what is meant in these verses are universal values.<sup>7</sup>

When a woman is married and expected to become the primary breadwinner in the event of her husband's death, it is clear that she needs many legal considerations in the present day. To discuss the position of women in Islam using gender analysis, we must consider that during the *ihdad* period, women were not permitted to dress and decorate excessively to address the social gap between men and women in *ihdad* issues. This discussion will be the focus of this article, supplemented by an explanation of the concept as an introduction to understanding the meaning of *ihdad* and then reviewed from a historical aspect to see its development. Then the juridical aspect as a legal basis is added to the philosophical and sociological aspects. This article will examine one of the problems surrounding the *ihdad* of career women.

This article was written using the normative technique,<sup>8</sup> which involved a literature study (library research)<sup>9</sup> of books on the topic of the articles created and the use of various online sites as sources. This article's discussion draws on various theoretical frameworks, including phenomenology,<sup>10</sup> history, philosophy or the

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<sup>7</sup>Samsul Arifin and Wismar Ain Marzuki, *Ihdad Bagi Perempuan dalam Kompilasi Hukum Islam*, p. 217-218.

<sup>8</sup> Jefry Tarantang, "The Legal Argumentation Regulatory Framework for Management of Sharia Funding and Risk Loans in Indonesia," *Jurnal Ilmiah Al-Syir'ah* 21, no. 1 (2023), p. 72.

<sup>9</sup> Astiti Ni Nyoman Adi and Jefry Tarantang, "The Position of Supreme Court Regulation Number 5 of 2019 Regarding Guidelines For Additioning Applications For Marriage Dispensation Post The Revision of The Marriage Law," *Jurnal Pembaharuan Hukum* 9, no. 3 (2022), p. 376.

<sup>10</sup> Ibnu Elmi Acmad Slamet Pelu et al., "Sex Recession Phenomenon from the Perspective Maqashid Sharia Based on Objectives Marriage Law in Indonesia," *Al-Istinbath Jurnal Hukum Islam* 7, no. 1 (2022), p. 39.

philosophy of Islamic law (ushul fiqh),<sup>11</sup> law<sup>12</sup> (rules and fatwas),<sup>13</sup> and social science.<sup>14</sup> In addition, the author also uses a retrospective method in analyzing the discussion from this article. The retrospective method is looking at existing problems and then for solutions. The retrospective method was used to analyze the repositioning of career women's ihdad (philosophical, historical, juridical, and sociological studies), then analyzed qualitatively.<sup>15</sup>

### ***Ihdad's Philosophical Study of Career Women***

*Iddah* is an Arabic word that comes from *adda-ya'uddu-iddatan*, which means counting.<sup>16</sup> This word is meant for the period for women to wait for the end of that period. In other words, the *iddah* is also called the waiting period because there is a specified count to undergo the *iddah* period.<sup>17</sup> In interpreting *iddah*, Sayyid Sabiq said that the word is formed from *'adada* which means counting, because, during that time, After her spouse passes away, a woman must figure out her sacrificial time to keep her womb pure.<sup>18</sup> *Iddah* in Islamic historical records is recorded as a ritual known since pre-Islamic times and continues to be believed after Islam came because *iddah* contains benefits.

Almost the same as *iddah*, *ihdad* by the jurists is interpreted as an attempt to avoid or stay away from the sight of men during the *iddah* period.<sup>19</sup> The goal of *ihdad*, its legal foundation, and the reasons why a person performs *ihdad* to honor a deceased husband are all agreed upon by fiqh experts. The scholars agree that *iddah* is obligatory because Allah SWT. said in Albaqarah 282, Divorced women must endure (wait) three times *quru'*. Prophet Muhammad said that Muslim narrated that women must make *iddah*.<sup>19</sup>

According to the rules above, a widow must observe *iddah* and *ihdad*, and *iddah* is the period of mourning during which a woman must wait before remarrying,

<sup>11</sup> Jefry Tarantang, "Teori Dan Aplikasi Pemikiran Kontemporer Dalam Pembaharuan Hukum Keluarga Islam," *Transformatif* 2, no. 1 (2018), p. 315.

<sup>12</sup> Jefry Tarantang, "Buku Ajar Hukum Islam (Paradigma Penyelesaian Sengketa Hukum Islam di Indonesia)" K-Media, 2020), p. 23.

<sup>13</sup> Ibnu Elmi Achmat Slamet Pelu and Jefry Tarantang, "Fatwa Majelis Ulama Indonesia sebagai Solusi Permasalahan Umat Islam di Indonesia," *Al-Manahij: Jurnal Kajian Hukum Islam* 14, no. 2 (2020), p. 307.

<sup>14</sup> Abu Yasid, *Aspek-Aspek Penelitian Hukum*, Yogyakarta: Pustaka Pelajar, 2010, h. 127.

<sup>15</sup> Tarantang, "Teori Dan Aplikasi Pemikiran Kontemporer Dalam Pembaharuan Hukum Keluarga Islam."

<sup>16</sup> Muhammad Yalis Shokhib, "Dialektika Ihdad dalam Kompilasi Hukum Islam (KHI) Berdasarkan Asas Proporsionalitas," *Al-Syakhshiyah: Journal of Law & Family Studies* 4, no. 1 (2022), p. 18.

<sup>17</sup> Amir Syarifuddin, "Hukum Perkawinan Islam Di Indonesia: antara fiqh munakahat dan undang-undang perkawinan," 2011, p. 303.

<sup>18</sup> Sayyid Sabiq, *Fiqih Sunnah Jilid 1* (Jakarta: Republika, 2017), p. 223.

<sup>19</sup> Samsul Arifin and Wismar Ain Marzuki, "Ihdad Bagi Perempuan dalam Kompilasi Hukum Islam, p. 213.

divorcing, or mourning the death of her spouse. The essence of the *iddah* is as follows: “the period that must be waited for by a woman who has been divorced from her husband so that she can remarry to know that her womb is clean or to carry out God’s commands”.

The philosophy of *ihdad* (mourning period) is when a person must have feelings: preparing, mentally organizing and adding patience to those left behind. The three points here are legal provisions for someone to do things that are following (the basis of the Shari’a), from the basis of the Shari’a, among others, by compromise, harmony and justice. Scholars agree on the obligation of *ihdad* for a woman at the time of the death of a husband, namely from a valid marriage, even though a woman has not been *dukhul*. At the same time, The basis for this statement is the Hadith of the Rasulullah narrated by Muslim.<sup>20</sup>

Based on this hadith, the ulama has concluded that males do not have an *ihdad* phase.<sup>21</sup> And this proves that no *ihdad* is a *raj’iy* divorce for a woman, as the hadith requires. However, if there is no chance of reconciliation between the husband and wife, Imam Syafi’y maintains that *raj’iy* sunnah does *ihdad* for the divorced woman.<sup>22</sup>

Imam Malik believes that *ihdad* is obligatory for Muslim women and people of the book, both young and adult.<sup>23</sup> Regarding a female servant whose parents have died, whether she is an *ummul walad* 50 (a female servant who has had children from her master) or not, according to Imam Malik, *ihdad* is not obligatory upon her. This opinion was also expressed by the *fuqaha amshar* (*fuqaha* of big countries). The famous opinion of Imam Malik regarding the people of the book was opposed by Ibn Nafi’ and *Asyhab* (two of Imam Malik’s followers). However, both of these opinions were narrated by Imam Malik. Imam Malik’s followers were also put forward by Imam Syafi’i, namely that there is no obligation to *ihdad* for women who are people of the book.<sup>24</sup>

The *iddah* way of thinking<sup>25</sup> is (1) So that the woman’s womb is not polluted. (2) Give opportunities to separated husband and wife to return to their original life if they think it is good. (3) He was upholding the issue of marriage, namely to gather

<sup>20</sup>Samsul Arifin, dan Wismar Ain Marzuki, *Ihdad Bagi Perempuan dalam Kompilasi Hukum Islam*, p. 215.

<sup>21</sup>Siti Aisyah, “Analisis Komparatif Perspektif KHI dan Fiqih Imam Syafi’i tentang Hukum Ihdad bagi Perempuan,” *Qolamuna: Jurnal Studi Islam* 4, no. 1 (2018), p. 65.

<sup>22</sup>M A Abdullah, “Ihdad Wanita Karir (Tenaga Pendidik Pegawai Negeri Sipil) Perspektif Ulama Kontemporer Kota Lhokseumawe,” *Syarah: Jurnal Hukum Islam & Ekonomi* 10, no. 2 (2021), p. 258.

<sup>23</sup>Wahibatul Maghfuroh, “Iddah Dan Ihdad Bagi Wanita Karir menurut Pandangan Hukum Islam,” *IUS: Jurnal Ilmiah Fakultas Hukum* 9, no. 01 (2021), p. 5.

<sup>24</sup>Samsul Arifin and Wismar Ain Marzuki, *Ihdad Bagi Perempuan dalam Kompilasi Hukum Islam*, p. 215.

<sup>25</sup>Samsul Arifin and Wismar Ain Marzuki, *Ihdad Bagi Perempuan dalam Kompilasi Hukum Islam*, p. 216.

wise people to study the problem and give them a long thinking time. If he is not given such an opportunity, like a small child playing, he will destroy it in a moment. (4) The goodness of marriage does not materialize before both husband and wife live long in their contractual bonds.

Some things about *ihdad*, according to Imam Taqiyyuddin bin Abi Bakr<sup>26</sup> said, because it follows logically from the husband-wife connection that has been consciously made and for worship in the framework of carrying out the legal regulations provided by Allah, A widow must register as a widow in the *ihdad* registry after the death of her spouse. Thus, because the husband and wife bond is very sacred, it is not valid according to *syara'*, breaking the promise by doing things that cause slander and a woman is left by her husband to die who then overdoes herself in dressing up and wearing luxurious clothes while wearing perfume, is showing bad attitude, because apart from not following the provisions of the Shari'a, which begins with a story represented by the story of Ummi Habibah, who was left behind by Hamim (her brother) and then heard Rasulullah, say A waiting time of 4 months and 10 days applies if a woman's spouse has abandoned her as a tribute to her husband.<sup>27</sup>

### **Historical Study of Career Woman *Ihdad***

Siti Khadijah and 'Aisyah, the Prophet's wife, were not the only well-known working women in Muhammad's period.<sup>28</sup> However, we all know that a career in the economy is not the only goal we have in the world. In reality, the economy is only a means to support other aspects of life. Siti Khadijah, the wife of Rasulullah PBUH, did not just remain silent. On the contrary, she is an active woman in the business world. Even before he married her, he had established business partnerships with the country of Sham. After marrying him, it doesn't mean his wife stops her activities after marrying him. Khadijah ra's hard-earned business assets greatly supported the da'wah in the early days. At that time, there were no reliable sources of funds to support da'wah. The only thing is from the pocket of a loyal donor, namely his wife, a famous businessman. Of course, you can't imagine that as a businesswoman, Khadijah's figure is the type of woman at home who doesn't know the outside world. If that's the case, how can he effectively manage his company when he cannot know what's going on beyond his front door? According to history, Rasulullah PBUH blessed Khadijah ra with several children.

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<sup>26</sup>Muhammad Syukri Albani Nasution, et.al., "Pelaksanaan Ihdad Bagi Isteri Yang Di Tinggal Mati Menurut Mazhab Syafi'i (Studi Kasus Di Kecamatan Percut Sei Tuan Kabupaten Deli Serdang)," *Al-Mashlahah Jurnal Hukum Islam Dan Pranata Sosial* 8, no. 02 (2020), p. 268.

<sup>27</sup>Samsul Arifin and Wismar Ain Marzuki, *Ihdad Bagi Perempuan dalam Kompilasi Hukum Islam*, p. 216.

<sup>28</sup>Ahmad Syafii Rahman et al., "Wanita Karir, Studi Kritis Perspektif Maqashid Syariah," *Ulumuddin: Jurnal Ilmu-ilmu Keislaman* 12, no. 1 (2022), p. 16.

After the death of Khadijah, the Prophet married Aisyah radhiyallahu anha, a smart, young and beautiful woman whose role in society is not in doubt. Her position as a wife does not prevent her from being active in society.<sup>29</sup> When the Prophet was still alive, he often left Medina to participate in various war operations. And after the death of Rasulullah PBUH Aisyah was a teacher of friends who could provide explanations and information about Islamic teachings. Aisyah ra, too, wished to participate in the conflict. Shows that even the Prophet's wife may go out and do her own thing when needed. Even though they already have children, history records that Khadijah ra. was blessed with several children from Rasulullah PBUH.

Apart from the Prophet's wife, there is also a female companion named Asy Syifa Binti Abdullah Al Adawiyah. She is a female friend of the Prophet who is noble, intelligent and has many advantages.<sup>30</sup> Asy-Syifa was one of the Makkah women who were good at reading and writing before Islam. After converting to Islam, it was he who taught Muslim women intending to get rewards and rewards from Allah. Since then, he has become a teacher at the time of the Prophet. Among his students was Hafshah bint Umar bin Khathab, the wife of Rasulullah PBUH He was entrusted with managing the market in Medina.<sup>31</sup> This historically, ihdad for career women can be excluded because syar'i is different from the Jahiliyah era or before Islam was born, women were very isolated. Even if a pregnant woman then gave birth to a baby girl, her parents did not hesitate to kill the baby girl by burying it because it was considered a disgrace for her parents. Daughters were a symbol of weakness in the family then. But after Islam came all glorified.

Ihdad legal provisions regarding career women can apply for several reasons. If the situation is urgent and you are required to leave the house, this could be an excuse to pursue a career, as long as he continues to carry out Ihdad regarding the prohibition of getting married before the end of that period. The reasons for having to perform Ihdad are not just legal reasons, but all of the above illustrates that Islamic law is not rigid, so it is elastic and flexible as a woman's obedience to the law of Allah SWT. and good for himself.

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<sup>29</sup>Nelsi Arisandy, "Pendidikan dan Karir Perempuan dalam Perspektif Islam," *Marwah: Jurnal Perempuan, Agama Dan Jender* 15, no. 2 (2016), p. 132-133.

<sup>30</sup>Nurul Fatmawati, Afrizal Nur, dan Saidul Amin, "The Social Role of Women in the View of Aisyiyah Muhammadiyah," *Journal of Al-Islam and Muhammadiyah Studies* 1, no. 2 (2020), p. 90.

<sup>31</sup>Aas Siti Sholichah, "Partisipasi Perempuan Di Masa Nabi Muhammad Dan Implikasinya Terhadap Eksistensi Perempuan Di Ranah Publik," *Al Amin: Jurnal Kajian Ilmu Dan Budaya Islam* 4, no. 01 (2021), p. 12.



### **Juridical Study of Career Women *Ihdad***

In Islamic legal methodology, three historical roots are important for the paradigmatic understanding of realism. First, *asbāb al-nuzūl* helps in understanding the historical setting of the revelation of Qur'anic verses and searching for its substantive message. Second, *maqasid sharia* refers to the purpose of Allah in the commandments of Islamic law for the benefit of the life of the Ummah. Third is the concept of 'illat Law, which is the similarity between the basic law (*aṣl*) contained in the passage and the branch issues (*furū'*) in the field.<sup>32</sup> Based on these three historical roots, it was then studied to become a legal structure called the Compilation of Islamic Law (KHI). One contained in the compilation of Islamic law is regarding the *ihdad* of career women.

The Compilation of Islamic Law (KHI) specifies the grieving time for a wife whose husband has died as follows in Article 170, Chapter XIX<sup>33</sup> (1) If a woman's spouse leaves her during the *iddah* period, she must mourn for a certain time to show her sorrow and protect herself from slander. (2) The decency of the grieving time is observed by husbands whose wives have left them.

Perform *iddah* and *ihdad*; This shows the wife's obligations because her husband has been absent for 4 months and 10 days. The woman must abstain or mourn for four months and ten days. The woman should stay in the house during this period without makeup or false eyelashes to hide her tears. In this case, the only goal is to respect the husband's passing. Jewelry can be worn, marriage proposals can be made, and contracts can be signed once the *iddah* period ends. A widow needs to observe the *iddah* and *ihdad* (mourning) periods after the death of her spouse to prevent rumors from spreading about her. KHI article 170, cited above, clarifies that the *ihdad* period expresses the wife's grief over the tragedy that has befallen her.

Even though these *iddah* and *ihdad* periods are imposed on women, it does not mean that a husband whose wife dies is free to marry after that. The law does not stipulate how long the husband must serve his *iddah*, but at least based on the principle of decency,<sup>34</sup> a husband should also be able to refrain from getting married right away when his wife has just died. The lesson, of course, is to show mourning while preventing slander from arising.

Another issue often criticized is the prohibition against women in their *iddah* and *ihdad* periods. Outside of the Syafi'i School of Fiqh, the consensus is that leaving the house for anything less than an absolute necessity, such as getting food and water,

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<sup>32</sup> Wahyu Akbar dan Ismaly Athoillah, "The Epistemology of Fiqh Philanthropy in the Covid-19 Pandemic Period in Indonesia," *Jurnal Bimas Islam* 14, no. 2 (2021), p. 351.

<sup>33</sup> Intruksi Presiden No. 1 Tahun 1991 tentang Kompilasi Hukum Islam, Pasal 170 Masa Berkabung.

<sup>34</sup> Erfiana Nur Inayah and Mahir Amin, "Masa Berkabung bagi Suami di Desa Ngimbang Perspektif Hukum Islam dan KHI," *Jurnal Al-Hukma: The Indonesian Journal of Islamic Family Law* 7, No. 1 (2017), p 102.

is banned.<sup>35</sup> Syafiq Hasyim's opinion, quoted by Sumiati, stated that this prohibition shows that iddah is a form of domestication of women using religious arguments.<sup>36</sup> Women must wait around since they can't go anywhere, decorating and beautifying themselves, especially those who have lost their husbands. Syafiq Hasyim understands that this verse is not in the context of restricting women's movements but refers to ethics,<sup>37</sup> where the husband is prohibited from expelling or expelling his wife, who is in the iddah period because this causes more harm to his wife.

According to the author, the prohibition of women leaving the house without the urgent need for women undergoing their iddah and ihdad periods is still acceptable. It could be that the prohibition is more a way to avoid slander and simultaneously aims to honor a husband's death with her obligations as a wife whose husband died and as a woman (wife) who has to leave the house to work to support her family. On the other hand, she has to carry out iddah due to Sharia rules that must be implemented; on the other hand, she has to work. After her husband's death, the wife automatically becomes the head of the family and has full responsibility for supporting her family and children.

The "Mourning Period" for a widow is discussed in KHI's Chapter XIX, Article 170. The writer considers the KHI regulations created by former Minister of Religion Munawwir Syadzali to be a type of *ijtihad* on the part of Islamic scholars in Indonesia. According to him, the Establishment of KHI is *ijtihad* in which a person can try to find a law, and from this law, it will bring benefits and does not reduce the values of Sharia law legislation or Sharia rules.<sup>38</sup> In this case, the principle of justice is the basis for formulating KHI and the theories of *al-Adah*, *nasakh* and *al-Maslahah*. Whereas, Munawwir sparked the concept of re-actualization of Islamic law with this theory by developing Islamic law in Indonesia, specifically through the process of *ijtihad* with the encouragement of rationalization and using the main foundations which become the main legislation in passing a law.

The KHI specifies that a bereaved spouse should treat his late wife's grieving period dignifiedly. At this point, a husband is also required to carry out ihdad, but in an appropriate manner. The existence of a period of mourning for a husband aims to prepare, organize mentally and increase patience. However, the meaning of "according to decency" is unclear and is still very general, namely whether this is appropriate from the aspect of method, treatment, or another perspective.<sup>39</sup> The

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<sup>35</sup>Ahmad Khoiri dan Asyharul Muala, "Iddah dan Ihdad Bagi Wanita Karir Perspektif Hukum Islam," *JIL: Journal of Islamic Law* 1, no. 2 (2020), p. 262.

<sup>36</sup>Sumiati Sumiati, "Pandangan Iddah Bagi Perempuan Pasal 170, Bab Xix Dalam Kompilasi Hukum Islam," *Taushiah: Jurnal Hukum, Pendidikan Dan Kemasyarakatan* 9, no. 2 (2019), p. 44.

<sup>37</sup>Shokhib, "Dialektika Ihdad dalam Kompilasi Hukum Islam (KHI) Berdasarkan Asas Proporsionalitas."

<sup>38</sup>Moh Dahlan, "Paradigma Ijtihad Munawwir Sjadzali dalam Reaktualisasi Hukum Islam di Indonesia," *AT-TURAS: Jurnal Studi Keislaman* 7, no. 2 (2020), p. 196.

<sup>39</sup>Sumiati, "Pandangan Iddah Bagi Perempuan Pasal 170, Bab Xix Dalam Kompilasi Hukum Islam."

scholars also only explain the propriety of ihdad for the wife and for the husband, one of which is the view of the fiqh scholar Zakariyya al-Anshary, as follows: Ihdad will not wear clothes that are supposed to be embellished, even if they are dirty and rough. According to a hadith of the Prophet passed down by Umm Athiyyah, we are banned from remarrying after a husband's death. If a woman has faith in Allah, she may wear kohl, perfume, and clothes that have been designed and left with things that are liked to be used for decoration, such as gems and things made of gold or silver, on the final day of her four-month-and-ten-day mourning period for the dead, except her husband. However, she is not allowed to use kohl on her eyes or hair unless it is medically required (for example, if she is experiencing eye discomfort).<sup>40</sup>

Compilation of Islamic Law provisions on the proper behavior of women during mourning state that a wife should refrain from all but essential activities for four months and ten days. The formation of KHI combines the views of the Imam and the Madzhab. In addition, she is not allowed to leave the house or wear cosmetics (even eye shadow) while mourning. This method serves to honor the husband's passing. After the iddah time, wearing jewelry, making marriage offers, and signing a marriage contract is acceptable. Article 170 of the KHI elaborates on the necessity of observing a mourning period for both sexes. The wording also implies that women and men are entitled to equal protection under the law. It's only that the rules of procedure or decency are modified to fit each piece.

### **Ihdad Sociological Study of Career Women**

A woman in practice with demands for the realization of a benefit can be compromised by doing ihdad no more than four months and ten days but adjusted to the demands when a woman must fulfill her obligations. A woman who has needs and is committed to being honest and acting well for the benefit of herself and her family can carry out ihdad according to her level and needs. However, this does not mean abandoning the values and goals of ihdad, namely, to avoid slander. In such conditions, a woman who performs her obligations for the benefit and is still responsible for the iddah and ihdad periods should continue to carry out the provisions according to what she can do. The sociological background of the revelation of the verses about iddah and ihdad is that the condition of the wives of the Arab nation at that time, whose husbands died, did not carry out the period of mourning and waiting. Of course, this is feared that there will be a mixing of the seeds of her ex-husband's sperm so that when Islam comes, it is prescribed a waiting period which functions to find out the emptiness of the uterus. A provision regarding the obligation of grieving for a wife whose husband has died may also be taken from the text above.<sup>41</sup>

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<sup>40</sup>Putra, "Konsep 'Urf dan Implementasinya pada Ihdad Wanita Karier."

<sup>41</sup>Muhammad Nasib Ar-Rifa'i, *Kemudahan dari Allah: Ringkasan Tafsir Ibnu Katsir*, Jakarta: Gema Insani, 1999), p. 395.

Ihdad, from a sociological perspective, can also be seen from several things, namely, work and financial factors—occupational factors such as women working in the formal and informal sectors. Financial factors include being left to die in affluence or poverty. Not apart from the assumptions built by socio-cultural, either through ideological or philosophical paradigms with certain interests, it is important to see the ihdad of career women through the conception of the principle of proportionality as an analytical tool. The principle of proportionality refers to the idea that parties should divide their responsibilities and benefits equitably.<sup>42</sup> The notion of proportionality requires that rights and liabilities be allocated fairly throughout the whole lifecycle of a contract, from initial negotiations through final performance. The principle of proportionality heavily emphasizes the connection's nature and the people's goals.

Analytical tools, such as the concept of proportionality, are refined with time and practice, much as other approaches to analysis are refined as society progresses. In this context, the principle of proportionality as an analytical tool targets the ihdad phenomenon of women whose husbands have died, where with this analysis, one is expected to maintain the values embodied in Islamic teachings. However, one can also carry out obligations that must be carried out in the ihdad period. In ihdad, a woman is expected to be able to protect herself from slander that appears, such as women who are claimed not to have a strong commitment to their husbands so that when the husband dies, the woman is considered to want to change partners immediately. Women whose husbands have died are sometimes considered to have mistresses or even no muru'ah (authority) as good wives. The most important thing is that by breaking the strong bond that was said before Allah SWT., a woman feels that she has nothing to bear and to avoid these claims, a woman should pay attention to the goals and values in implementing ihdad.

It was paying attention to social values in the principle of proportionality. There is a concept that is developing, namely the understanding that in the era of globalization of national development in the context of human resources, the involvement of men and women is essential, meaning that in reviewing the roles and functions of women who have value in national development, a balance of meaning is needed in this understanding. The issue of balance and justice here is a joint problem between men and women because it concerns the roles, functions and relations between them.

Considering that understanding the perspective of justice will be able to protect all parties, both men and women, protecting in this corridor is protecting the rights of both parties, and there is no discrimination and the realization of justice. The principle of proportionality heavily emphasizes the connection's nature and the people's goals. Ihdad restricts women by forbidding ornamentation and actions that

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<sup>42</sup>Peter Mahmud Marzuki, "Batas-batas Keabsahan Berkontrak," *Yuridika* 18, no. 3 (2003), p. 193-194.  
<https://jurnal.ar-raniry.ac.id/index.php/usrah/index>

can lead to defamation. However, the ultimate aim is to safeguard women so that they may fully achieve Shari'a. She also has good norms and values in front of society, and this woman has tried to avoid slander, which is prone to arise when she is in the iddah period. Therefore, the situation for women whose husbands die is different. For women for whom ihdad is prescribed, in its true meaning is protection for themselves.

Understand mukhalafah, that a man whose wife has died should also carry out a period of mourning as a form of respect and condolences and to protect the muru'ah of a husband. The author grasps that proportionality illustrates a fair and equitable connection between the parties to a contract rather than a one-sided one. So, the proportionality principle is not based on arithmetic equilibrium but on well-functioning systems and mechanisms for transferring rights and duties. The role of the principle of fair balance is related to the ihdad period, so having ihdad is a shari'a provision that determines expectations for men and women, especially in interacting with one another in society.

It is prescribed for a person to refrain from doing things that can cause slanders, such as decorating and preening, because by decorating, people will think that this person lacks respect for their partner who has just died. The KHI grieving period is the same for both men and women, although societal expectations and legal mandates tend to assign separate responsibilities to each. The fact that men and women both have to observe a time of mourning after the death of a spouse demonstrates that the KHI has reflected a fair and balanced relationship in which men and women are of equal worth or share. The author maintains that, even in this time of mourning, the idea of justice dominates discussions in the KHI. It's just that the method or propriety is adjusted to the conditions of each part, which in substance, the article in the KHI regarding the mourning period is an effort to avoid slander in society.

Understanding Islamic law should not be textual and stuck in a normative understanding that is not a problem as in understanding the ihdad law of career women in this modern era. As long as they don't go against the goals and principles of Islamic law, job and money concerns can be used as syar'i justifications. Understanding the ihdad law of career women must be seen from philosophical, historical, juridical, and sociological aspects with attention to the benefit of women who are currently experiencing various developments that must be seen from the perspective of contemporary Islamic law which is elastic and flexible from time to time has changed both evolutionarily and revolutionary which is certainly an effort to update and upgrade Islamic law that applies throughout the ages and rahmatan lil 'alamin shalih likulli wal eating era.

### **Ihdad Career Women in Indonesian Culture**

In the context of women who have careers, carrying out religious and legal obligations such as iddah and ihdad periods can be challenging when in line with

their needs and career advancement. For example, if a career woman loses her husband and has no income to meet daily needs, it can hinder her ability to provide for herself. In Blangkejeren society, the practice of iddah period can also interfere with career journey. If a career woman loses her husband and does not work, her ability to make ends meet is also threatened. Research conducted by Edi Susilo, documented in the journal *Al-hukama*, the Indonesian journal of Islamic family law, highlights that considerations that can influence the application of iddah and ihdad laws in the case of career women are considerations related to needs and emergencies. It considers how practical these needs and emergencies are in the context of settling iddah and ihdad laws for women who have careers so that solutions can be found that suit their needs and circumstances.<sup>43</sup>

In addition, in other locations, the implementation of had obligations in the community of Grobogan Village, Jiwan District, and Madiun Regency has not been optimal. Most of the residents in the village do not thoroughly understand the concept of ihdad. They only know about the mourning period without knowing how it is carried out by Islamic teachings. As a result, many of them do not perform the head period after the husband dies. One of the causes is a lack of knowledge about ihdad and how to carry it out. Although some know ihdad, some people still do not carry it out for specific reasons such as work. Career women find it challenging to carry out ihdad according to the provisions of the Islamic religion because of the job responsibilities that cannot be left alone. Economic factors are also the reason why they have to work because they need to provide for themselves and their children after losing their husbands. It was found that some communities that practice *ihdad* have some that meet the complete requirements but some do not due to the demands of work. So for those required to work, for example, meet women and men.<sup>44</sup>

Career women in Grobogan Village, Jiwan District, Madiun Regency, such as tutors and civil servants will lose their jobs if they perform ihdad by Islamic rules. In emergencies, they risk losing their jobs or being fired for working under specific auspices or agencies. However, for career women as food stall business owners, doing ihdad does not affect their careers. Therefore, they must comply with ihdad obligations. The implications of implementing ihdad are more related to people's responses to the mourning period in which they live.<sup>45</sup>

Based on these conditions, it can be concluded that women who have careers often face challenges in carrying out worship and legal obligations, such as the iddah and ihdad periods after losing their husbands. This is due to various factors, including people's lack of understanding of the concept of ihdad, job responsibilities that

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<sup>43</sup> Maryam, "Persepsi Masyarakat Tentang Pelaksanaan Iddah Wanita Karier Karena Cerai Mati Di Kec. Blangkejeren Kab. Gayo Lues" (Universitas Islam Negeri Ar-Raniry, 2020), p. 43-44.

<sup>44</sup> Lintang Cahya Gustaviani, "Wanita Karir Dalam Masa Ihdad Di Desa Grobogan Kecamatan Jiwan Kabupaten Madiun Ditinjau Dari Hukum Islam" (Institut Agama Islam Negeri Ponorogo, 2021), p. 46-47.

<sup>45</sup> Lintang Cahya Gustaviani, "Wanita Karir Dalam Masa Ihdad, p. 61-62.

cannot be left alone, and economic factors that encourage them to keep working. The implications of implementing ihdad can vary depending on the type of work held by career women. For some women, such as tutors and civil servants, performing ihdad according to Islamic rules can threaten their jobs, while for those who own food stalls, ihdad does not affect their careers. This shows the importance of considering various contextual factors in applying iddah and ihdad laws for women who have careers.

## Conclusion

Repositioning the ihdad of career women is a phenomenon that involves changing the role and position of women in a professional context to understand this phenomenon comprehensively. A multi-perspective approach, including philosophical, historical, juridical, and sociological studies, is needed. After their spouses die, which usually happens four months and ten days into the work year, working women are expected to conduct iddah and ihdad, according to the philosophical study of working women's ihdad. During that period, the woman should not leave the house, apply eye makeup, or use eyeliner to show her sorrow. It's meant to commemorate the husband's passing. After the iddah time ends, women can wear jewelry, make marriage offers, and sign marriage contracts. However, for career women, this can be ruled out for syar'i reasons. A historical study of career women's ihdad can be seen from Aisyah RA, a smart, young and beautiful woman whose role in society is unquestionable. Her position as a wife does not prevent her from being active in society. When the Prophet was still alive, he often left Medina to participate in various war operations. And after the death of Rasulullah PBUH, Aisyah was a teacher of friends who could provide explanations and information about Islamic teachings. Even Aisyah ra did not want to be left behind to join the war. From this, we learn that even the Prophet's wife can go out and about as needed. Even though they already have children, because history records that Khadijah ra. Blessed with several children from Rasulullah PBUH. Apart from the Prophet's wife, there is also a female companion named Asy Syifa Binti Abdullah Al Adawiyah. Legal research of the KHI's ihdad regulations for professional women demonstrates a commitment to fairness and equality. The provisions in KHI article 170 regarding the mourning period not only impose the ihdad period for women whose husbands die but also apply to husbands whose wives die, although in a different form or method. In addition, KHI, which Indonesian scholars compiled based on material, took sources from the Syafi'i Jurisprudence, but in practice, it was presented based on local values in Indonesia, which eclectically chose the appropriate law. The sociological study of career women ihdad can be seen from work and financial factors-occupational factors such as women who work in the formal and informal sectors. Financial factors include being left to die in affluence or poverty. Not apart from the assumptions built by socio-cultural, either through ideological or

philosophical paradigms with certain interests, it is important to see the ihdad of career women through the conception of the principle of proportionality.

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