

***Ihdad* for Career Women in the Perspective of *Maslahah mursalah* (Study of the Fatwa of the Indonesian Ulema Council Number 11 of 1981)**

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Abstract

There are some restrictions for a woman who is in *iddah*, these restrictions are known as *ihdad*. *Ihdad* can be in the form of: not allowed to adorn and leave the house. In the Indonesian context, the provisions of *ihdad* are regulated in MUI Fatwa No.11 of 1981 concerning the *iddah* of death, which basically states that, firstly, whether or not it is permissible for a woman who is in *iddah* to leave the house is a matter of *khilafiyah*, secondly, the opinion of the majority of scholars is that it is not permissible for a woman in *iddah* to leave the house at night, even if it is to perform the pilgrimage. In this case, the fatwa needs to be reviewed, especially its relevance for career women who are experiencing the *iddah* period. Because according to the author, the provisions in the fatwa have been considered long enough and are not in accordance with the increasingly advanced situation as it is now. And the method of legal *istinbath Maslahah mursalah* in this study is used as a review tool in the Fatwa, whether the fatwa is in accordance with the provisions set forth in *Maslahah mursalah*. The result of this research is that the concept of *ihdad* described by the decree of Fatwa of the Indonesian Ulema Council No.11 of 1981 is by not being allowed to leave the house during the day and night, even though it is to perform the pilgrimage. However, if there is an urgent need then it is allowed to leave the house. With the analysis of *Maslahah mursalah*, MUI's fatwa on *iddah* of death which is intended for *ihdad* of career women is in accordance with *Maslahah mursalah*, because the fatwa has fulfilled the criteria or conditions described by *Maslahah mursalah*.

Keywords: *Maslahah mursalah*, Decree of the Indonesian Ulema Council, *Iddah*, *Ihdad Women Career*.

Abstrak

There are some restrictions for a woman who is in *iddah*, these restrictions are known as *ihdad*. *Ihdad* can be in the form of: not allowed to adorn and leave the house. In the Indonesian context, the provisions of *ihdad* are regulated in MUI Fatwa No.11 of 1981 concerning the *iddah* of death, which basically states that, firstly, whether or not it is permissible for a woman who is in *iddah* to leave the house is a matter of *khilafiyah*, secondly, the opinion of the majority of scholars is that it is not permissible for a woman in *iddah* to leave the house at night, even if it is to perform the pilgrimage. In this case, the fatwa needs to be reviewed, especially its relevance for career women who are experiencing the *iddah* period. Because according to the author, the provisions in the fatwa have been considered long enough and are not in accordance with the increasingly advanced situation as it is now. And the method of legal *istinbath Maslahah mursalah* in this study is used as a review tool in the Fatwa, whether the fatwa is in accordance with the provisions set forth in *Maslahah mursalah*. The result of this research is that the concept of *ihdad* described by the decree of Fatwa of the Indonesian Ulema Council No.11 of 1981 is by not being allowed to leave the house during the day and night, even though it is to perform the pilgrimage. However, if there is an urgent need then it is allowed to leave the house. With the analysis of *Maslahah mursalah*, MUI's fatwa on *iddah* of death which is intended for *ihdad* of career women is in accordance with *Maslahah mursalah*, because the fatwa has fulfilled the criteria or conditions described by *Maslahah mursalah*.

Kata Kunci: *Maslahah mursalah*, Fatwa Majelis Ulama Indonesia, *Iddah Wafat*, *Ihdad Wanita Karir*.

Introduction

Fatwa of Indonesian Ulema Council (hereinafter referred to as MUI) is one of the products of Indonesian Islamic law resulting from collective *ijtihad* of Indonesian Islamic law experts (*ulama*) issued in response to a case. In its authority, MUI has the authority to give fatwa as a response to the probelmatics of the people that are relevant to the time. As a servant of the *ummah*,

the Indonesian Ulema Council always supports and assists the government in solving problems in fields such as family law worship and so on.¹

Along with the times, the problems that arise will also be increasingly complex, which is where the *problekamatika* in society is also caused by various aspects, including the development of culture, technology and also the most often we encounter is the foreign culture that is adopted into a new culture in Indonesia. For example, the obligation to observe *iddah* for a woman whose husband dies. The woman is obliged to carry out *ihdad* for 4 months and 10 days, which is based on the word of Allah in Surah al-Baqarah verse 234. However, even though it has been stipulated in the Qur'an about the obligation to carry out *iddah* for women, so this is where the importance of fatwas that can answer the problems of the community.²

In the author's opinion, the various provisions in *iddah* (especially related to *ihdad*) for women who are left behind by their husbands in this modern era need to be discussed. This is because women today are very different from women in classical times who stayed at home to take care of their household needs. Modern women in addition to taking care of the household also have a career outside the home to help their husbands. So when women who work outside the home when left behind by the death of her husband whether it is obligatory to carry out *iddah* in accordance with the word of Allah or carry out *iddah* in accordance with the MUI fatwa in 1981 which the contents of the determination of the fatwa is the permissibility of women leaving their residence at night is a matter of *khilafiyah*, then in accordance with the consideration then follow the opinion of the majority of scholars that is not allowed to leave the house for women who are running the *iddah* period at night. The fatwa issued by MUI on the *iddah* of death can lead to different interpretations from the community, namely the impermissibility of leaving the house at night, so that it can raise questions whether women who are still in the *iddah* period can go out during the day, for example to work.³

Indeed, in essence, the implementation of *ihdad* has a benefit value for *iddah* women who run it. Namely, to avoid *fitnah* and there are also values of worship in it. However, if the decree is forced to be carried out by career women, then it can also cause *harm*. Such as losing a job because it is too long to carry out *iddah* time, which is 4 months and 10 days. However, with the *Maslahah mursalah* method and by paying attention to several arguments as well, a woman who has a need and has a commitment for the benefit of the family, is allowed to carry out *ihdad* according to the level of her needs. However, this does not mean abandoning the values and goals of *ihdad*. The concept of *Iddah* and *Ihdad* that has been implemented so far, requires women to avoid social interaction and avoid activities that can attract the attention of men, such as preening, adorning, and so on because it is considered to be an intermediary for the emergence of marriage during the *iddah* period, which is prohibited. And of course this is very much in conflict with the current facts about career women who demand that women work extra to fulfil a life that requires them to look attractive and maintain interaction with anyone including the opposite sex so that they are required to always be active outside the home.⁴

When in a state of *ihdad*, a woman should not preen and wear clothes or jewellery that may attract the interest and attention of the opposite sex. In addition, she is not allowed to leave the house. The *ihdad* time is quite long at 4 months and 10 days. You can imagine if women who work, such as civil servants, bank employees, automatically have to comply with government regulations or contracts, with mutually agreed leave. The government and banks will not give leave for four

¹ Fathonah K. Daud, "Perlindungan Hak-Hak Perempuan Dalam Fatwa MUI Bidang Munakahat Prespektif Maslahah," *Jurnal Hukum Islam* Vol. 12, no. No. 1 (2021). p. 20

² Muhammad Maulana Hamzah, "Peran Dan Pengaruh Fatwa MUI Dalam Arus Transformasi Social Budaya Di Indonesia," *Millah : Jurnal Studi Agama* Vol. 1, no. No. 1 (2017). p. 127

³ Majelis Ulama Indonesia, *Himpunan Fatwa Serta Keputusan Yang Dihasilkan Oleh MUI* (Jakarta: Erlangga, 2011). p. 144-146

⁴ Edi Susilo, "Iddah Dan Ihdad Bagi Wanita Karir," *Al-Hukama Journal of Islamic Law* Vol. 6, no. No. 2 (n.d.). p. 275

months and ten days, because the maximum leave for civil servants for urgent reasons including death is only a maximum of two months. If women still choose to continue their *iddah* by not leaving the house, then automatic dismissal will occur, and this can have a major impact on their future life after undergoing the *iddah* period. So in this case it can be concluded that leaving jewellery and beautiful clothes and staying at home for such a long time for a career woman can certainly result in the destruction of her career. The destruction of a career means the destruction of her personal and family life, especially if the woman is indeed the backbone and dependency of her family.⁵

Therefore, the use of the *ijtihad* method of *Maslahah mursalah* law in this case is considered to be very appropriate, which when looking at the Indonesian context, the provisions for the implementation of *ihdad* are contained in the Indonesian Ulema Council (MUI) Fatwa No. 11 of 1981 which is the only fatwa that discusses the *iddah* of death. In this research, the author will analyse the fatwa using the *ijtihad* method of *Maslahah mursalah*, especially if the *iddah* period is experienced by career women. Is the fatwa in accordance with the criteria and conditions contained in *Maslahah mursalah*. Therefore, seeing from some of the main problems above, the author wishes to research and study one of the problems faced by Muslim career women, especially those who have been left dead by their husbands.

Research methods

The type of research used in this research is a type of normative juridical research.⁶ The normative juridical research method is a library legal research conducted by examining library materials or secondary data.⁷ The data collection technique used in this research is to use document studies. That is, the author traces and collects books or writings that are relevant to the theme of the study.⁸ As well as by collecting several opinions of Islamic *fiqh* scholars regarding *iddah* and the explanation of *iddah* in the Qur'an and hadith. The data analysis method used in this research is a qualitative method, where the focus of the method is on humans, objects, and institutions, to understand an event. The data that has been collected is then processed using descriptive data analysis methods, which are methods that can be used to provide, describe, describe and explain research phenomena.⁹

Results and discussion

A. The Concept of *Ihdad* in MUI Fatwa No.11 of 1981 concerning *Iddah* of the Dead

On 16 December 19181, which coincides with 19 Shafar 1402 AH, the Indonesian Ulema Council issued a fatwa on the *iddah* of death. *Iddah* in practice existed long before Islam came. Although the practice was certainly very different. When Islam appeared, this tradition was still maintained and various improvements were made to utilise it. The practice that the Prophet saw at that time was inseparable from the socio-cultural influences of Arab society. The socio-cultural conditions at the time when the terms and norms about *iddah* were revealed were also inseparable from the background of pre-Islamic Arab life with a patriarchal culture that believed that women were inferior to men. The provision of *iddah* in Islam must indeed be carried out in accordance with Allah's command as a form of obedience to His servants.¹⁰

The *fuqaha* are of the view that it is prohibited for a woman in *ihdad* to wear adornments that may attract men to her, such as jewellery, diamonds and kohl. The things that a woman in

⁵ Adnan Buyung Nasution, "Problematika *Ihdad* Wanita Karir Menurut Hukum Islam" (Tesis, UIN Sumatera Utara, 2016). p. 4

⁶ Ajat Rukajat, *Pendekatan Penelitian Kuantitatif* (Yogyakarta: CV. Budi Utama, 2018). p. 27

⁷ Soerjono Soekanto and Sri Mahmudji, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat* (Jakarta: Raja Grafindo Persada, 2003). p. 13

⁸ Burhan Bungin, *Metodologi Penelitian Kualitatif, Komunikasi, Ekonomi Dan Kebijakan Publik Serta Ilmu Sosial Lainnya* (Jakarta: Kencana Media Grup, n.d.). p. 144

⁹ Sugiono, *Metode Penelitian Kuantitatif Kualitatif Dan R&D* (Bandung: Alfabeta, 2011). p. 240

¹⁰ Hafidz Syuhud, "Pendapat Imam Malik Tentang Sanksi Bagi Perempuan Yang Menikah Pada Masa *Iddah*," *Istidlal* Vol., no. No. 1 (2020)., p. 220

ihdad must avoid are proximity to each other, i.e. a woman who is in *iddah* is not allowed to have relations with men, and to do anything that may attract men's attention to her.¹¹

The fatwa of the Indonesian Ulema Council is based on the Qur'an which has explained related to women who are divorced in a legal marriage, whether they have been married or not, have menstruation or not except for those who are pregnant, then the *iddah* period is 4 months and 10 days. As the Word of Allah:

وَالَّذِينَ يَتَّبِعُونَ مِثْقَالَ ذَرَّةٍ خَيْرًا يَرَهُ ۗ وَالَّذِينَ لَا يَعْلَمُونَ خَيْرًا يَرُوا ۗ وَالَّذِينَ يَتَّبِعُونَ مِثْقَالَ ذَرَّةٍ شَرًّا يَرَهُ ۗ
فِي مَا فَتَعَلُوا مِنَ الْبَعْثِ وَالْمَعْرُوفِ ۗ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ ۙ

With regard to ihdad above, the fatwa of the Indonesian Ulema Council in the field of worship number 11 was established on 16 December 1981 concerning *iddah*, which reads that::

1. The permissibility of a woman who is in the *iddah* of death to leave her residence at night is a matter of *khilafiyah*.
2. The view of the majority of scholars is that it is not permissible for a woman who is in the *iddah* of death to leave her residence at night, even if she is performing Hajj.¹²

The concept of ihdad in the fatwa is the prohibition of women leaving their homes at night. In the determination of the fatwa in the first decision, namely that the permissibility of women who are carrying out the *iddah* of death to leave the house at night is a matter of *khilafiyah*. The word *khilafiyah* here means that there are some scholars who allow her to leave the house at night and some who oppose this opinion. The opinions of some of these scholars are:

1. The Hanafiyah scholars prohibit women in '*iddah* from going out during the day or night, whether they are in "*iddah* because of divorce *ba'in* or divorce *raji*". This is based on a Allah saying:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا طَلَقْتُمْ النِّسَاءَ فَلْيُؤْتَيْنَ عَلَيْهِنَّ مِمَّا مَلَكَتْ أَيْمَانُهُنَّ مِمَّا مَلَكَتْ أَيْمَانُهُنَّ مِمَّا مَلَكَتْ أَيْمَانُهُنَّ مِمَّا مَلَكَتْ أَيْمَانُهُنَّ
مِنْ بَيْتِهِنَّ وَالْمَوْلَىٰ لِلَّذِينَ طَلَقُوا مِنْهُنَّ مَا فِي بَيْتِهِنَّ وَأُولَئِكَ هُمُ الْمُفْلِكُونَ ۚ
لَا تَرَىٰ لِعَلِّ اللَّهِ يَحْيِي بَعْضَ مَا كُنْتُمْ تَعْمَلُونَ ۗ

Based on the verse above, it has been explained that women who are undergoing *iddah* are not allowed to leave the house, unless their reason for leaving the house is to do good things.¹³ But it is different with women who are in *iddah* caused by the death of their husbands. It is permissible for her to go out during the day and part of the night, but she may not stay out overnight except in her own house or in her own place. This is because a woman whose husband dies does not receive any more maintenance from her deceased husband, and to fulfil her maintenance she must work outside the home.¹⁴

2. The Hanbalis and Maalikis are of the view that it is permissible for a woman who is in '*iddah* to go out during the day, whether she is divorced or her husband has died. This is based on the hadith:

طلقت خالي، فأردت ون نخلهاو فجرا رجل ون تخرج، فأنت النبي فقال: بلى فجن ي نخلك فإنك عسى ون تصنعى
وو تفعلى معروفًا

¹¹ Sīd al-Sābq, *Fiqh Al-Sunnā*, vol. Juz 2 (Beirut: Darul Kutub, 1988). p. 147

¹² *Himpunan Fatwa Serta Keputusan Yang Dihasilkan Oleh MUI*. Majelis Ulama Indonesia, p. 154

¹³ M. Quraish Shihab, *Tafsir Al-Misbah: Pesan Dan Kesan Keserasian Al-Qur'an*, vol. Vol.14, n.d. p. 131

3. The Shafi'i scholars do not allow a woman who is in the *iddah* period to leave her house absolutely. Imam Syafi'i said in the book *Al-Umm* which is as follows:

قال الشافعي رضى الله عنه : قال الله تبارك و تعالى في الملقات : (إل تخرجون من بيوتهن ول يخرجن إل ون يأتين بفاشة مبينة) (اللق:1) قال: فكانت إذا من الملقات, و كانت المتعنت من الوفاو متعنت كعنو الملقة, فا ئملت ون تكون في فرض الكى للملقات و منع إل خراجالمتوى عنهن. لأن ن في معنا ن في العنو.

Imam As-Shafi'i said: The Sunnah of the Prophet (peace and blessings of Allaah be upon him) indicates that a woman whose husband dies should stay in her own home until the end of her '*iddah*. This implies that this is specific to divorced women, not to women whose husbands have died.¹⁵

4. According to Hasyim, the prohibition of leaving the house for mu'taddah (women in '*iddah*) is actually just a means to realise the goal of '*iddah*. The means here touches more on the social ethical aspect, while the theological aspect is the purpose of '*iddah*. In this case, the purpose of '*iddah* should be given more attention. Therefore, as long as the woman can maintain the purpose of '*iddah* then she may leave the house, especially for those whose needs are urgent such as having to make a living for herself and her children..¹⁶

Whether or not it is permissible for a woman in the '*iddah* of death to leave the house according to the four madhhabs leads to differences of opinion. The Shafi'i school explicitly prohibits women in the '*iddah* of death from leaving the house except out of necessity, which is the same as women in the '*iddah* of divorce. The Hanafi school distinguishes between '*iddah* of death and '*iddah* of divorce. The Hanafi school allows leaving the house also out of necessity even at night provided that they do not stay overnight. In line with the Hanafi school, the Mâliki school also holds this opinion for women in the '*iddah* of death. The Hambali school is of the same opinion as the Hanafi school, except that this school limits it to not going out at night.¹⁷

The opinions of the four madhhabs above show that there is continuity between the madhhabs, namely that it is permissible to leave the house for women in the '*iddah* of death because the needs of these women require leaving the house. Whether the madhhab equates it with the '*iddah* of divorce or not. The four madhhabs are also similar in determining the time to leave the house, namely in the morning when the woman is in the time of endeavour and is not allowed at night to avoid danger. In contrast, if there is an emergency, such as if the house is about to collapse or there are other problems that threaten the woman's life, then going out at night is permissible.¹⁸

The woman mentioned above may leave the house because of her necessity. The majority of scholars agree that this is permissible on condition that she continues to perform the *ihdâd* that is obligatory for women whose husbands have died, namely by not adorning herself excessively, not wearing silk, not wearing kohl and not wearing perfume when leaving the house..

In addition to the law of leaving the house for women who are left dead by their husbands, the Indonesian Ulema Council Commission also paid attention to the obligation of women undergoing the *iddah* period not to adorn themselves. According to the author, although this is not made into a fatwa by the Indonesian Ulema Council, it is certainly considered important and is included in the procedures for *berihdad*. The law becomes obligatory to leave all forms of

¹⁵ bn Idrs al-šaf'i, *Al-'Umm*, vol. Juz 6, p. .075 .

¹⁶ Sayafiq Hasyim, *P.-P. Yang Tak Terfikirkan Tentang Isu-Isu Kontemporer Dalam Islam* (Bandung: Mizan, 2001). p. 17

¹⁷ Hasan Baharun dan Syafiqiyah Adhimiy, *Limitasi Keluar Rumah Bagi Perempuan Iddah Wafat dalam Prespektif Maslahah mursalah*, *Jurnal Al-Adalah*, Vol 15, No.1, 2018), p. 164

¹⁸ Ibid, hlm 164

decoration because it refers to the Hadith of Umm Salamah, the wife of the Prophet Muhammad SAW which reads:

قالت زينب و سمعت وم سلمة تقول جات امرؤو إلى رسول الله صلى الله عليه و سلم فقالت يا رسول الله إن ابتي توى عنها زوجها و قن اشتكت عينها وفتحكها فقال رسول الله صلى الله عليه و سلم (ل) مرتين او ثلاثا كل ذلك يقول ل, ثم قال رسول الله صل الله عليه و سلم انما ي وربعة وشهر و عشر و قن كانت إناكن في الجالية ترمى بالبعرو على روس الحول

The hadith above shows that a woman whose husband has died should not make eye makeup, even if the eye makeup is intended to treat her sore eyes. This prohibition was pronounced by the Prophet two or three times. So it can be concluded that what is meant by the context of adorning in carrying out ihdad is to adorn the limbs. Then it can be concluded that carrying out ihdad is obligatory for women whose husbands die, namely by not adorning themselves excessively, not wearing eye makeup that can attract the attention of men when leaving the house.¹⁹

B. Review of *Maslahah mursalah* on MUI Fatwa No.11 of 1981 Regarding Ihdad for Career Women

After analysing the concept of ihdad contained in MUI Fatwa No.11 of 1981 on *iddah* of death, now the author will further review the concept of *Maslahah mursalah* on MUI Fatwa No.11 of 1981 on ihdad of career women during *iddah* of death. Women who are undergoing *iddah* period are obliged to do ihdad with the provision of staying at home for 4 months and 10 days. In that period of time can hamper the needs of the family, hence the need for someone who can support his needs.²⁰ Therefore, the author wants to further analyse the ihdad of career women in the *iddah* period of death by using the method of *istinbath Maslahah mursalah*.

One of the reasons for using the *Maslahah mursalah* method in taking legal *istinbat* is that every law contains benefits for humans. As explained in the word of Allah:

وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً
لِّلْعَالَمِينَ

Maslahah mursalah is thus acceptable among the majority of scholars as one of the methods in Islamic law making. As for the reason why *maslahah* can be used as a proof for determining the law is:

1. The induction results of the hadith verse show that every law contains benefits.
2. Human interests are always influenced by the development of places, times, and their own environment.
3. *Maslahah mursalah* can be used when in an emergency.²¹

The use of *Maslahah mursalah* as a legal determination technique is only for needs that are dharury and hajjiyah. Such as the legal issue of leaving the house for career women who are experiencing the *iddah* period. In this problem there is a demand that requires women to work, and this is dhoruriyyah and hajjiah. Meanwhile, the nature of the hajjiyah need in question is to eliminate difficulties so that with the use of *Maslahah mursalah* one's life becomes light. Allah wants ease for his servants in doing something, and does not make it difficult for his servants, as the Qur'anic proposition reads :

يُرِيدُ أَلَاةَ بَكُمْ أَلَيْسَرَ وَاللَّيْذُ بِكُمْ أَلَيْسَرَ

¹⁹ Ibnu Rusydi, *Bidayah Al-Mujtahid, Analisa Fiqih Para Mujtahid*, n.d., p. 123

²⁰ Amir Syarifuddin, *Ushul Fiqh*, vol. Jilid 2 (Jakarta: Kencana, 2009). p. 349

²¹ Waūhbī Zuhīlī, *Uṣūl Al-Fiqh al-Islāmī* (Darul Fikr, 1985)..p. 707

Maslahah al-Ammah is a matter that concerns the interests (mashalih) for the sake of the establishment of religious and world affairs in human life.²⁸ According to the author, by using Maslahah Al-ammah in considering the determination of each policy, the policies set will not cause harm and violate the interests at large. Moreover, the reason for career women who are undergoing the *iddah* period is categorised in urgent circumstances and needs.²⁹ Of course, what is threatened is not only the soul of the woman but the benefit of her family will also be threatened. So the author argues that, in terms of Maslahah al-Ammah, the fatwa decree is in accordance with the third requirement of *Maslahah mursalah*, namely that the maslahah is general, not special or individual.

The fourth requirement is that the maslahah that will be used should be able to protect religion, self, reason, offspring and property. The reason is that career women who undergo the *iddah* period when they will work outside the home have entered into the fourth requirement of *Maslahah mursalah* itself. Because with the work of *iddah* women, it is useful to meet the needs of themselves, their minds, and their descendants. And most importantly protecting the property or finances of his family because no one else can meet his basic needs. Especially with the development of the times, the cost of basic needs is getting more expensive and more things must be fulfilled.

In principle, needs can be at the emergency level, if the need occupies an emergency position. In the implementation process, there are fiqhiyyah rules:

المشقة تجلب التيسر

In the sense that the laws in their application cause difficulties and difficulties for mukallaf as the subject of law, then sharia alleviates them so that mukallaf is able to carry them out without difficulty and difficulty. Therefore, by paying attention to the objectives of Shari'ah above and referring to the fiqhiyyah rules, there is a continuous correlation with the ease of women undergoing the *iddah* period to work to meet the needs of their lives and their families outside the home.³⁰ Therefore, with this, the fatwa provision is in accordance with the fourth requirement.

After reviewing the benefits in the MUI Fatwa and its relevance for career women, in essence, it is permissible not to perform *iddah* on condition that it is in an emergency, urgent (to protect the soul and offspring).³¹ so that it does not cause fitnah related to the marriage that is carried out during *iddah*, because the marriage is considered invalid and will have an impact on the status of the child born, when the child is female, when married it must use a wali hakim.³² his will certainly disrupt the harmony of the household that was built with the aim of eternal happiness. Furthermore, in the opinion of Ibn Taymiyyah, if a woman is in a state of *iddah* and leaves the house because of a shar'iyyah emergency to earn a living for her family, there is no sin on her. However, it is still not permissible for her to accept a proposal and enter into marriage.³³ This means that it is permissible for a career woman not to observe '*iddah* in the case of being allowed to leave the house to work because of an emergency, but it is not permissible to marry before the completion of the '*iddah* period.

²⁸ Misran, "Al-Maslahah mursalah, (Suatu Metodolgi Alternatif Dalam Menyelesaikan Persoalan Hukum Kontemporer)," *Jurnal Ar-Rainy* Vol.1, no. No.1 (2016). p. 15

²⁹ Abi Hāmd Muḥamad bn Maḥamad al-Gzālī, *Al-Mstṣ fī Min 'lmi al-' Uṣ ūl*, n.d. p. 787

³⁰ A. Dzauili, *Kaidah-Kaidah Hukum Islam Dalam Menyelesaikan Masalah-Masalah Yang Praktis*, (Jakarta: Kencana, 2006). A. Dzauili, p. 56

³¹ Dwi Hidayatul Firdaus, "Sinkronisasi Maqasid As-Syariah Dan Konsep Kesetaraan Gender Dalam Konsep *Iddah*" Vol.15, no. No.1 (1510).p. 14

³² Neng Eri Sofiana M and Khairu Anwar, "Kawin Hamil Dalam Pernikahan Lotre," *Muslim Heritage* Vol.5, no. No.1 (2020). p. 197

³³ Waliko, "Konsep *Iddah* Dan *Ihdad* Bagi Wanita Karir Yang Ditinggal Mati Suaminya (Tinjauan Ma'anil Hadist), Yinyang," *Jurnal Studi Islam, Gender dan Anak* Vol.10, no. No. 1 (2015). p. 14

As a religious ruling that has become scholarly consensus, however, *ihdad* should not be taken lightly. Therefore, the aspect of emergency that allows a career woman to leave *ihdad*, must really reach the criteria of emergency, not just a mere thought or desire. If a woman leaves *ihdad* just because she thinks it is dangerous or just because she has a particular desire, let alone an ambition for the sake of her career, she is sinning. The life that she leads during the '*iddah* period because of the death of her husband, through which she abandons *ihdad*, is a life of sin and disobedience.³⁴

Conclusion

Based on the description in the previous discussion, there are several points that can be used as the core of this research, namely as follows:

1. In MUI fatwa No. 11 of 1781 concerning '*iddah* of death, actually *ihdad* is an inherent law of '*iddah* of death, the concept is a prohibition for women whose husbands died to leave their homes at night even if it is to perform the pilgrimage. and prohibits women who are in *iddah* period not to adorn themselves. However, by taking several scholarly opinions that are referenced by the Indonesian Ulema Council, women who are in *iddah* are allowed to leave the house during the day to do something that is an emergency.
2. The determination of the law of leaving the house for career women who are in the '*iddah* period stated in the fatwa of the Indonesian Ulema Council No.11 of 1981 concerning the *iddah* of death, when viewed from the analysis of *Maslahah mursalah*, in the condition of *dharûriyah* or *hajiyah* is not contrary to the operational limits of *Maslahah mursalah*. And it can be said that the stipulation of MUI Fatwa on the *iddah* of death is in accordance with the method of *istinbath Maslahah mursalah*. Because in this situation it is clear that the condition of the career woman has entered into the group of *dharuriyyah* and *hajjiyyah*.

The suggestion of this article is to keep in mind for observers of Islamic law, that *fiqh* (Islamic law) is a formulation of the thoughts of religious elites (*fuqaha*) on normative sources, namely the Qur'an and hadith, in responding to social symptoms when the thought appeared. So that it cannot be applied in general, but is still limited by space and time in accordance with the rule 'the change of law is due to changes in situations and conditions'. From that, formulating Islamic law (*fiqh*) cannot be separated from the existing social context, by only referring to the words of the Qur'an and hadith, but still requires reason as a support for understanding the universality of the values it contains. The Fatwa Commission of the Indonesian Ulema Council is expected to update the content of fatwa stipulations in accordance with the times. So that the fatwa can be more clearly used for career women.

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³⁴ Buyung Nasution, "Problematika Ihdad Wanita Karir Menurut Hukum Islam.", p. 96

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