

Yusuf Al-Qardhawi's Perspective of Ihdad and its Relevance to Career Women's Leave Rights in Bandar Lampung

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ABSTRACT

This research aims to analyze Yusuf Al-Qardhawi's views on ihdad and the implementation of career women's leave rights due to the death of their husbands and their relevance to contemporary Islamic family law. This research is a field research study. The informant consisted of the General Manager of the Chandra Supertore Bandar Lampung company, qualitative analysis. Research findings show that Yusuf al Qardhawi is of the view that women who are in ihdad may carry out their professions outside the home, limited to professions permitted by religion, maintaining religious ethics, whether in clothing, walking, talking, avoiding making up, wearing perfume, interacting with the opposite sex. This ability protects the benefit and survival of the family, as is the concept of Maqashid al Syari'ah to protect the soul, religion, mind, lineage, and property. Career women's leave rights due to the death of their husbands are only two days in employment law. However, in its implementation at the Chandra Superstore company, career women generally take one week off. They consist of the right to 2 days of leave plus permission from the company for two days, plus exchanging work schedules with colleagues in the profession. The company still requires its employees to look attractive according to the Company's SOP. Implementing this left-right is still very far from being different from the head criteria in Islamic family law.

Keywords: ihdad; Yusuf Al-Qardhawi; right to leave; career women.

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INTRODUCTION

Ihdad is regulating in the words of Allah Swt., the Qur'an, and Sunnah. Article 170 of the Compilation of Islamic Law stipulates that a woman who has the status of a wife when her husband dies is obliged to mourn when she is in the period of iddah (Indar, 2010). However, implementing these provisions is difficult to compromise with employment regulations, especially for career women. A career woman is a woman who can carry out routine work activities professionally outside the home to earn a decent income, gain recognition of achievement skills, and gain good status recognition (Alifiulahtin, 2017). So it has the consequence that women play two roles in life, namely as holders of responsibility for serving as wives within the domestic scope of the household and carrying out their functions as workers in the general or public domain professionally. A wife who doubles as a career woman has a noble goal: to help her husband create financial prosperity in his family life. What is a problem and challenge for career women is that if a major disaster occurs in their lives when their husband dies, it is a wife who takes and continues responsibility for the continuity of the family, whether in the form of responsibility for providing for the family or caring for their children (As-Siba'I, 1971). In Islam, when the husband dies, the wife is required to carry out the iddah period, which is a waiting period of 4 months and ten days or 130 days. During this iddah period, wives are prohibited from remarrying, and even accepting a marriage proposal is prohibited. Even during this iddah period, wives are required to perform ihdad, which is a form of mourning by the wife for the death of her husband. During ihdad, wives are prohibited from wearing excessive looks, wearing perfume, are prohibited from meeting other men who are not mahram, and wearing beautiful clothes. It is done as a sign of loss due to the death of her husband. The problem is that in carrying out ihdad, career women are bound by employment regulations in their agency. Law no. 11 of 2020 concerning Job Creation, commonly known as the Job Creation Law, has caused polemics and rejection among the public because it does not regulate employee leave rights, so the regulation of leave rights is based on Law no. 13 of 2003 concerning Employment, or commonly known as the Employment Law. The consequences of paying employee leave rights are regulated in Article 40 (c) PP No. 36 of 2021 concerning Wages, which requires companies to pay workers' salaries on leave for essential reasons.

The current reality, if it is related to the condition of career women, will undoubtedly experience difficulties in carrying out ihdad for four months and ten days. Company leave provisions bind career women. The limited period of employee leave is undoubtedly a problem and obstacle to carrying out ihdad. The Employment Law regulates the right to leave for BUMN and private sector employees for essential reasons for two days, while the ihdad period stipulated by Islamic law is quite long, namely 130 days, so ihdad is challenging to implement.

The trend that is developing among Muslim career women in the city of Bandar Lampung shows that career women do not carry out ihdad as stipulated in Islamic law. Obstacles faced by career women when undergoing ihdad include the short leave time provided by the company. Women whose husbands die are

supposed to stay at home to undergo iddah (a period of waiting not to marry) and ihdad (a period of mourning). However, the limited time for leave means that wives do not dare to leave work for too long. Long periods of absence from work mean that the wife does not receive salary payments, so it is feared that this could threaten the survival of her and her children. They are facing two choices between carrying out the obligation of iddah and the demand to work immediately, resulting in career women being unable to carry out ihdad as guided by Islamic law.

There are research results similar to this article, including research by Antoni et al. (2022), which reveals the role of career women who work in companies in Kerinci Regency. The research results show that career women can improve the family economy, increasing welfare in the family and adding a sense of well-being and harmony. Susilo (2016), this research explains that the concepts of iddah and ihdad in Islam must be re-actualized. The reason is that this is contradictory in the current context, especially for career women in supporting their finances. Considerations that can change the laws of iddah and ihdad when they conflict with career women's problems are considerations of hajat and emergency.

Banjarani & Andreas (2019), this research reveals that even though Indonesia has ratified the International Labor Organization (ILO) convention, there are women's rights as workers that are still ignored or not appropriately fulfilled by companies in Indonesia, such as reproductive rights and maternity leave rights. , the right to protection for women from sexual violence, there is even discrimination in the provision of wages, provision of benefits, and discrimination in placement in certain positions. Pambudi & Najicha (2022), this research analyzes several leave rights for women in Law Number 11 of 2020 concerning Job Creation (UU Job Creation). The results of this research find that legal certainty is needed regarding women's rights as workers, one of which is related to the right to paid leave.

In another study, Jufri & Jupri (2019) discusses women's careers, which are analyzed comparatively, namely the books of 'Uqudullujain and Yusuf al-Qardhawi. In the book 'Uqudullujain, it is found that a wife's obligations are greater. Meanwhile, Yusuf al-Qardhawi believes that career women are acceptable if they do not neglect their obligations as a wife. Nabila & Zafi (2020) again conducted research on career women from Yusuf al-Qardhawi's perspective. This research explains that, except in emergencies, women are prohibited from leaving the house. According to Yusuf al-Qardhawi, the law is permissible in an emergency. It follows Q.S. Al-Ahzab Verse 33.

The study of this article and the research results above have not found similarities. This article discusses Yusuf al-Qardhawi regarding ihdad and the implementation of ihdad for career women at the Chandra Superstore Company in Bandar Lampung and its relevance to contemporary Islamic family law. So the novelty of this article is the implementation of career women's ihdad and its relevance to Islamic family law.

This article will answer research questions about Yusuf al-Qardhawi's perception of career women's ihdad, how is the implementation of leave rights for career women who are undergoing ihdad at the Chandra Superstore Company in Bandar Lampung and how is it relevant to contemporary Islamic family law? This research aims to open an understanding and broaden the public's insight so that a woman who carries out ihdad is based on the values of Islamic Sharia so that the practice of ihdad is more relevant to contemporary Islamic family law. This research can contribute to and compromise the limits of ihdad in the provisions of Islamic law in practice for career women, both regarding the length of the leave period proper and polite dressing procedures when women perform iddah, thereby protecting the rights of career women carry out their obligations as workers to meet their family needs.

METHODS

This type of field research was conducted at the Chandra Superstore Company in Bandar Lampung. The method used is qualitative, namely by analyzing leave rights for career women because their husbands died at the Chandra Superstore Company in Bandar Lampung, then analyzing it by exploring Yusuf al-Qardhawi's thoughts. The primary data used in writing this article was obtained directly from informants at Chandra Superstore Bandar Lampung. Meanwhile, secondary data was obtained through a literature review, including scientific articles and laws related to research. Primary data was collected through interviews with the general manager of Chandra Superstore Bandar Lampung. Then, this research was analyzed using Maslahah's theory with a normative juridical approach.

RESULTS AND DISCUSSION

Yusuf Al-Qardhawi's Perspective of Ihdad

Before explaining how ihdad is in Yusuf Al-Qardhawi's view, the author must first explain the concept of ihdad from Salaf Fiqh's perspective. Ihdad consists of two words: *ahadda-yuhiddu ihdad* and *hadda-yuhiddu-hidad*, which means to prevent (*al-man'u*) (Susilo, 2016). Both words mean abandoning one's adornment (Al-Hanafi, n.d.). Ihdad, according to the term *syara'*, is abandoning wearing colored clothing intended to be decorated or refraining from adorning or preening the body. According to the book of jurisprudence (*fikih*), ihdad is to avoid everything that can attract men to tempt them.

Wahbah Al-Zuhaili (1989) defines ihdad as avoiding perfumes, jewelry, eye shadow, and oil, whether the oil is fragrant or not. Meanwhile, Sayyid Sabiq (2008) defines ihdad as abandoning preening, such as wearing jewelry, silk clothes, perfume, and eye shadow. What is required of a woman who has just died from her husband is to show a sense of loss, to show loyalty to her partner, and to safeguard her husband's rights. So, it can be understood that ihdad is a woman's effort to pay iddah for the death of her husband by leaving behind jewelry and avoiding interactions with men so that proposals and marriages do not occur.

Based on the definition above regarding ihdad, ihdad is the action of a woman performing iddah to leave jewelry to avoid mubasharah (interaction) with a man who is likely to enter into a marriage proposal (khitbah). Ihdad is a preventive action to prevent herself from other men who want to propose to her, to avoid acts of dishonor (adultery), and to prevent women from being in a hurry to remarry when they are in iddah (mourning). All of these preventive measures are actions that are classified as sad al-dzari'ah.

The obligation to carry out ihdad is attached to the obligation of iddah for a woman, as stated in the QS. Al-Baqarah 234: "Those who die among you leaving behind wives (let the wives) postpone their iddah for four months and ten days, then when their iddah has ended there is no sin for you (the saints) let them do with themselves as they see fit." This verse explicitly requires iddah, namely a waiting period, so that women do not marry other men until the end of their iddah period. However, it implicitly contains the meaning of the obligation of ihdad to avoid marriage during the iddah period. In the hadith of the Messenger of Allah, it is not permissible for a woman who believes in Allah and the Last Day to mourn the deceased for more than three days except for the death of her husband, namely mourning for 130 days or four months and ten days (Al-Albani, 2005).

According to many scholars, the law of ihdad for a woman whose husband has died is obligatory. Ihdad applies to all women who have been married by men in a legal marriage contract, whether they are still small or have reached adulthood, crazy, Muslim women, or people of the book (Al-Zuhaili, 1989). Furthermore, Article 170 of the Compilation of Islamic Law regulates that a woman whose husband has died is obliged to perform ihdad during the iddah period. Meanwhile, Article 11 of the Marriage Law only regulates the obligations of women whose marriage has broken up and applies a waiting period. However, no article explicitly regulates ihdad. Likewise, Article 34 of the Civil Code states that a divorced woman who wishes to enter into a second marriage must wait 300 days as a preventive measure to avoid mixing seeds (configs engines).

Prohibitions for Muslim women who are undergoing Ihdad include being prohibited from leaving the house, not being able to wear beautiful clothes, wearing flashy jewelry, leaving the house (long distances) wearing perfume, wearing eyeliner or make-up, and so on. This prohibition applies during the iddah period, four months and ten days. In fiqh literature, it is stated that the objectives of ihdad are (Hamidah, 2011):

1. It is a time to remember our husband, a time of sorrow or mourning, and also to avoid slander.
2. To maintain harmonious family relations between the deceased husband and his wife and extended family.
3. Ihdad is a form of sadness, loss, and grief over the death of her husband.

Ihdad has wisdom, including being a preventive measure to avoid men who are interested and want to propose to her, to avoid acts of dishonor (adultery), and

to prevent women from rushing into marriage in a state of iddah and ihdad or a period of mourning. Ihdad is performed to honor her husband. Therefore, when a woman is in a state of iddah after the death of her husband, she is prohibited from openly accepting proposals or marriage proposals from other men. Conversely, it is forbidden for men to convey sentences openly in the form of proposals to propose to a woman in a state of iddah and ihdad, but satire is allowed (Sarong, 2015).

As mentioned above, the concept of ihdad in conventional jurisprudence seems slightly different from Yusuf Qardhawi's view, as one of the contemporary ulama Yusuf Qardhawi in Ma'mur (2016) describes women who work in the public sphere. For example, in the book 'Fatawa al Mar'ah al-Muslimah', Al-Qardhawi explained one of the women's complicated problems: career women. Unlike ulama in general, who prohibit women from participating in public spaces, Yusuf al-Qardhawi allows it. However, this permission is not liberal, without limits that are separated from the essence of religion. This permission is conditional on the following: *Firstly*, the profession is permitted by religion. That is, the profession is not prohibited by religion or encourages people to do haram acts, such as serving an unmarried man, being a personal secretary for a director, which requires him to be alone with him, etc. *Second*, maintain religious ethics in clothing, walking, talking, maintaining one's gaze, and other activities. *Third*, do not abandon other obligations, such as the obligation to worship Allah and children, which is the first and primary obligation.

Yusuf Al-Qardhawi, in his thoughts, allows women to work or become career women with certain conditions, including 1. This work is halal and does not violate Islamic law. so it is forbidden to do work that contains haram elements, such as women who work in bars as preparers of liquor, work that exposes their private parts, work that contains elements that are haram for work partners and all types of work that are forbidden for men and women because they contain uncleanness. Inside it. 2. Women are allowed to work on the condition that they maintain moral and ethical values, both in terms of how they wear clothing and how they walk, speak, and move with modesty. 3. Women are allowed to work on condition that they do not abandon their essential obligations when they are in the position of a wife who has obligations to her family, namely her husband and children (Al-Qardhawi, 2007).

Furthermore, Yusuf Qardhawi explained that many women nowadays work as career women. It is considered normal for them to leave the house to study or work without anyone protesting. Yusuf Qardhawi's view is not without reason, even though the ulama have agreed that a woman's main duty is to educate her children with love and affection according to religious teachings. However, this does not prohibit women from doing social work outside the home. According to Yusuf Qardhawi, women as career women still permit, of course, subject to the conditions and boundaries set out in Islam, where the aim of being a career woman is for the sake of welfare, not just give rise to slander that can give birth to disgrace (Al-Qardhawi, 1994).

The ability to work outside the home for career women in order to maintain the purpose of Shari'ah (Maqahid al Shari'ah). Earning a living for the family is one of the emergencies that need to be taken care of in *ad dharurait al khamisa*. Women who are forced to leave the house to provide for children and families at the time of *ihdad* can be justified. Wahbah Al-Zuhaili (1989) said it is permissible for women to do something that is forbidden because of an emergency, because the emergency allows what is forbidden (*mahdhurat*). Nevertheless, the woman should try first to keep the things that are forbidden during *berihdad*. However, she should try to leave the jewellery and clothing that is prohibited during *ihdad*, because *ihdad* is mandatory for women whose husbands die (Putra, 2019).

Implementation of Women's Career Leave Rights at the Chandra Superstore Company in Bandar Lampung

Results of an interview with the General Manager of Chandra Superstore Bandar Lampung:

Table 1. Employee leave period, reasons for wanting to work immediately, not taking annual leave, not giving long leave, how to dress, employee's attitude during *ihdad*, remarriage period after *ihdad*.

No.	Interview's Result	Question Topic
1	"For female employees who face the disaster of their husband's death, leave for important reasons is applied for two days as stipulated in the Employment Law. "Then the company permits for 2-3 days, then later the employee can exchange schedules with her friends, so the total is approximately seven working days."	Leave period for employees who are undergoing <i>ihdad</i>
2	"The reason the employee wanted to work immediately after her husband died was because of the demands of work to support her life and that of her children. Another reason not to dwell on sadness is that it will increase sadness if we are at home alone without much activity. They can forget their sadness momentarily if they are busy and working."	The reason why employees want to work immediately
3	"Every female employee has a right to 12 days of annual leave. "However, my employee does not take annual leave because she wants to use her annual leave rights to anticipate urgent matters such as sick children, sick parents, or other needs."	Reasons why employees do not take annual leave
4	"Regarding how to dress and make-up, company regulations require female employees to look beautiful and still be made up. Because how to dress has become a Standard Operating Procedure	Dress code for employees who are on <i>ihdad</i>

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| | for their companies operating in the retail business sector." | |
| 5 | "Female employees who are undergoing <i>ihdad</i> still look gloomy and unenthusiastic. Only their female friends try to approach, comfort, and encourage them to do activities so that women in mourning can forget their sadness while working." | The attitude of employees when working during the <i>ihdad</i> period |
| 6 | "None of my employees remarried before their husband died one year ago. Some get married after three years. There are even those who are not married after being left by their husband for more than seven years." | The employee remarried after <i>ihdad</i> |

Source: Interview with DN, General Manager of Candra Superstore Bandar Lampung, September 3, 2022

Based on the data above, the limited leave period provided by the company causes career women to immediately work to meet their family's needs, to undergo the *ihdad* period while remaining decorated but still maintaining social boundaries with the opposite sex.

This retail sector company offers annual leave rights to employees who are undergoing a period of mourning. However, they generally refuse it because they anticipate essential matters. Companies still require employees to dress up while working following employee Standard Operating Procedures, and this causes career women to remain dressed up during the *ihdad* period. However, they generally maintain their attitudes and behavior, especially towards the opposite sex. Her male friends provide moral and material support so no one bothers or teases her.

The Relevance of Career Women's Leave Rights to Contemporary Islamic Family Law

The limited time for career women to undergo *ihdad* is between one (1) week to one (1) month if viewed from the provisions of the Islamic law that considerations of benefit are the reason for career women's ability to work during the *ihdad* period. The application of the Maqashid al-Syari'ah theory in order to maintain *dharurait al khamisa*. Namely protecting the soul (*hifdzun nafs*), descendants (*hifzun nashl*), assets (*hifdzun al-mal*), and religion (*hifdzun al-din*). Applying the Maqashid Al-Syari'ah theory to career women who carry out *ihdad* can be justified because an emergency must be maintained. A career woman who does not work for a long time can cause harm, including not getting income to meet her daily needs or even being dismissed. The *dharuriah* condition of maintaining survival is the reason why career women are allowed to work while undergoing *ihdad*. It aims to maintain these aspects.

The laws regarding something can change based on the circumstances and conditions. Like the law of *ihdad*, it can change according to the conditions behind

it. Some things are taken into consideration when changing Iraq's law. In this case, it is career women, namely consideration of *hajat* and emergency considering the effectiveness of *hajat* and emergency so that the resolution of *iddah* and *ihdad* law for career women can be said to be more applicable, effective, and humane for the current era with consideration necessity and emergency (Susilo, 2016). *Iddah* is something that a wife must carry out when her husband dies, including *iddah* for career women. It is because the legal *illat* of *iddah* is more *ta'abbudi* in nature. However, the consequences of the *iddah* law, in the form of a prohibition on leaving the house, can only be implemented according to the situation and abilities of career women, considering that it cannot be imposed on career women, considering that career women have high mobility in the sense that they have to leave the house for their work, considering that this is done in order to try to meet the needs in their household, which are classified as urgent needs that cannot be avoided, this is aimed at survival in their family which if not fulfilled will fall into economic ruin (poverty).

In line with Yusuf al Qardhawi's opinion, which allows women to take part in public spaces when carrying out *ihdad*, this permission is limited if one's profession is not prohibited by religion, and one still maintains religious ethics, whether in clothing, walking, speaking, maintaining one's gaze, and other activities. Apart from that, the woman does not abandon other obligations, such as the obligation to worship Allah and her children, which are her first and basic obligations (Ma'mur, 2016). The ability of women in *ihdad* to work is illustrated in the hadith of the Prophet Saw.:

My aunt is divorced. He wanted to pick dates one day, and a man scolded him not to leave the house. Then my aunt came to Rasulullah SAW to ask about this problem. Then Rasulullah SAW said: "Of course, pick your dates; maybe you can give charity by doing good deeds. (HR. Muslim, Book of Shoheh Muslim No. 1483).

Facing the clash between *syar'i* propositions and the reality of the development of today's society can be resolved with the theory of *ri'ayah al-maslahah at-Tufi*. In the theory of *ri'ayah al-maslahah at-Tufi*, if there is a contradiction in texts in the field of *muamalah*, then *maslahah* takes precedence because *maslahah* does not contain contradictions, in contrast to *ijma'* and texts (Sulthon, 2020). In the case of *ihdad*, the text's provisions are not following the problems women face today (Setiawan, 2017). The obligation to undergo *ihdad* is 130 days. In contrast, women who work do not receive permission for 130 days, so according to the theory of *ri'ayah al-maslahah at-Tufi*, women do not have to perform *ihdad* as stipulated in the text. However, the length of the *ihdad* period can be adjusted to the leave regulations, especially for civil servants, BUMN, or private employees, for women who are non-employees, such as business, trade, farming, and gardening, can be adjusted to suit their individual needs (Milati, 2014). Understandably, he is allowed to work when he needs to work to fulfill his living needs.

It is necessary to understand the theory of *ri'ayah al-maslahah at-Tu'fi* that prioritizing *maslahah* over the text is not understood as eliminating the text, but instead with the *takhsis* as per *bayan* in the *sunnah* or on the text (Hasan, 1971). When carrying out *ihdad*, not all women are allowed to carry out *ihdad* outside the provisions of this *sharia*. However, it is reserved or specifically for women who, while undergoing *ihdad*, are bound by a work agreement either with the government or the private sector, or women who are the backbone of the family because their husband has died, or women who still have young children who need a living. It means that if the woman already has children who are already working and a work contract does not bind her, then the woman is still obliged to undergo *ihdad* according to the provisions of the *sharia* (Milati, 2014).

Then it is related to the Indonesian people's habit of observing *ihdad*, that a career woman not observing *ihdad* for one hundred and thirty (130) days has become a habit accepted by society. So, it can be said that *urf* is a habit Indonesian society accepts. The woman already understands the obligations of *ihdad*, and the people in her environment, especially men, also understand this situation. So, among their friends, they respect and appreciate women who are undergoing *ihdad*. Therefore, *Urf* can be used as an argument for a career woman's ability to work before her *ihdad* period is 130 days. Therefore, women who cannot take more extended leave should strictly avoid the prohibitions in *ihdad*, such as wearing tight, transparent clothing and perfume and avoiding behavior and speaking that could cause slander. In line with Khoiri & Muala's (2020) thoughts, considering moral ethics, *iddah* has protection in modern developments, especially for women who are active in a profession according to their expertise.

Furthermore, retail sector companies need to provide solutions and suggestions so that women undergoing the *ihdad* period can take advantage of annual leave so they can spend a more extended period of *ihdad* at home. So that when women enter the work environment, they are physically and psychologically stronger. Reasons for anticipating urgent matters not to take advantage of annual leave rights while undergoing a period of mourning can be anticipated by exchanging work schedules with one's roommates. It is necessary to reconstruct Article 93 number 4 (f), namely differentiating the right to leave for important reasons for workers if one of their partners dies, especially if the husband dies so that women can be given longer leave time because women should undergo *ihdad* compared to those who deceased are parents, in-laws, because there are *ihdad* obligations that women must carry out to avoid prohibitions while carrying out *ihdad*.

CONCLUSION

Yusuf Qardhawi allows women to work (career) and carry out their profession while undergoing a period of *ihdad*. This permission is limited to the profession provided that the provisions for women who are in *ihdad* are maintained, do not violate religious provisions, and do not encourage people to commit haram acts. Chandra Superstore employee underwent a period of *ihdad* without working

for only seven days. The reason is the limited leave period provided by the company. They immediately work with benefit considerations, namely fulfilling the family's livelihood (khifd al-mal. Even though they still dress up during the mourning period, they still maintain religious ethics in clothing, walking, talking, looking after their eyes, and other activities. Furthermore, these women do not abandon their obligations to worship Allah, look after their children, and maintain family honor.

The implementation of leave rights for career women on ihdad at the Chandra Superstore Company does not comply with the provisions of Islamic sharia. The leave time of only seven days is still very short to undergo ihdad, and there is an obligation to dress up for women who work when the woman is in mourning. The contribution of this research to the development of Islamic family law is that companies advise employees to take part of their annual leave rights so that employees can spend more extended periods of ihdad at home and provide freedom for employees to wear clothes and make up according to the provisions of Islamic law for women who are pregnant perform ihdad.

This research has many limitations, especially regarding the data and the type of company studied. Therefore, further research is needed so that it can make a contribution to female employees who are undergoing their ihdad period as well as to the development of family law in Indonesia.

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