

Jasser Auda's Maqasid Sharia Application in the 'Iddah for Career Women

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Abstract

This study is intended to examine the practice of iddah by women who are abandoned by their husbands in Besuki District, Situbondo Regency, East Java, from the perspective of Jasser Auda's maqashid sharia. They continued to go out of their homes to work when sharia required them to observe the iddah for four months and ten days in the form of not traveling from home after their husbands died. However, it was precisely because of the reason for the death of the husband that the widows left home to work and earn income to support their children. This type of research is juridical-empirical. Primary data sources were obtained by interviewing religious leaders, residents, and widows whose husbands died. By using Jasser Auda's maqashid sharia theory, this study concludes that women who are undergoing the iddah of the death of their husbands are forbidden to marry, but they are still allowed to work outside the home to provide for their lives and provide for their children.

Keywords: Jasser Auda; Maqashid Sharia; Iddah; Working Women

Abstrak

Penelitian ini dimaksudkan untuk mengkaji praktik iddah oleh para perempuan yang ditinggal mati oleh suaminya di Kecamatan Besuki, Kabupaten Situbondo, Jawa Timur, dari perspektif maqashid syari'ah Jasser Auda. Mereka tetap pergi ke luar rumah untuk bekerja di saat syariah menuntut mereka untuk menjalankan iddah selama empat bulan sepuluh hari dalam bentuk tidak bepergian dari rumah setelah suami mereka meninggal. Namun, justru karena alasan kematian suami itu para janda tersebut pergi meninggalkan rumah untuk bekerja dan mendapatkan penghasilan untuk menafkahi anak-anak mereka. Jenis penelitian ini adalah yuridis-empiris. Sumber data primer diperoleh dengan teknik wawancara terhadap tokoh agama, warga, dan para janda yang kematian suami. Dengan menggunakan teori maqashid sharia Jasser Auda, penelitian ini memperoleh kesimpulan bahwa perempuan yang sedang menjalani iddah kematian suami memang terlarang dinikahi, tetapi mereka tetap dibolehkan bekerja di luar rumah untuk memenuhi hidupnya dan nafkah untuk anak-anaknya.

Keywords: Jasser Auda; Maqashid Syariah; Iddah; Perempuan Pekerja



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Introduction

Allah SWT sent Prophet Muhammad SAW with tolerant holy teachings and universal sharia. Teachings that guarantee a noble and peaceful life for humans. With it, humans will reach the highest and perfect degree. For approximately 23 years, when Rasulullah SAW immortalized his life to invite people to Allah SWT, everything related to this religion had been perfectly

revealed, and humans were united and agreed with him. Something that is absolute and does not change along with changes in space and time, such as matters of faith and worship, is explained in detail and detail. Explained in its complete texts. All the teachings in the treatise of Islam aim to maintain the honor of religion, soul, mind, lineage, and property (Sayyid Sabiq, 2017).

The Qur'an is a revelation received by the Prophet Muhammad for all humanity, a guide for human life, whether it is a guide in the form of orders, prohibitions, suggestions, or concluded as a source of law in human life and used as a source of direction is the Hadith of the Prophet Muhammad. Muhammad was the last Apostle who brought universal teachings applicable to all humans in all time and space. Therefore, the principles are complete and perfect and can answer every human problem that continues to develop and change (Jazari, 2021). In this case, according to the progress of times, and cultural differences in human life, sometimes some laws were set at the time of the Prophet Muhammad that did not follow the situation after. Also, some things or events that did not occur in the apostles' days are happening now. At the same time, the development of today is very different from the development in the past. The changing times experienced today significantly affect the development experienced by the interested parties, (Khoiri & Muala, 2020). For example, the context of this study highlights that there are already many career women. Like it or not, career women must devote all their abilities and thoughts to success in such circumstances. If the career woman is a Muslim woman who suddenly dies to her husband, her activities will be faced with religious provisions called 'iddah and ihdah (T. Yanggo & Anshary, 2009).

In domestic life, many factors cause emptiness in the household, which gives birth to a new problem, the wife's condition of being divorced (Fitriana & Suhastini, 2021). In the case of a woman whose husband died, the woman does not receive a living, while a wife needs a residence to live. In addition, in this day and age, household needs are increasing along with economic conditions that are sometimes unbalanced. This becomes a tough challenge for a woman who is divorced from death (Kurniawan & Lestari, 2020). So in conditions like this, inevitably, there will be a change in the role of the family. The husband used to have an obligation to provide a living, and it becomes reversed where the wife inevitably has to do activities such as work to earn income to meet her needs (Ariani, 2015). In addition, they are also required to reside in the house they were at the time of the divorce. If the rights in the place of the husband who has died are not fulfilled, or the the husband's heirs do not give them the right, then he may move, for there are reasons. Staying in his house is worship, while worship is invalid for justifiable reasons (T. Yanggo & Anshary, 2009).

The existence of women (especially working women) who their husbands leave behind are obliged to carry out 'iddah and its consequences, namely ihdah. 'iddah is the waiting period for a woman before remarrying after divorce from her husband or after her husband dies. (Abidi & Aminuddin, 1999)

Meanwhile, Ihdah is a mourning period for a wife whose husband abandons the prohibitions such as getting blemish, making up, and leaving the house for four months and ten days. Article 170 paragraph (1) of the Compilation of Islamic Law (KHI) stipulates a mourning period, namely for a wife whose husband has left her a period of mourning for her following the iddah period (Nur Inayah & Amin, 2017). The regulation regarding iddah in the KHI is very complex, but almost no mention of the law of the iddah period for men. Article 170 of the KHI only states that the mourning period for men (husbands) is measured based on decency. However, etiquette here still has multiple interpretations (Febri Hidayati, 2019).

The scholars agree that it is obligatory to carry out 'iddah and ihdah. The goal is to see the condition of pregnant women or not after the divorce occurs. This condition requires the woman to refrain from being decorated and not to leave the house (Sabiq, 1990). It also requires avoiding social interactions and activities that may attract men. (Sabiq, 1990) Wahbah al-Zuhaili defines the meaning of ihdah: ihdah is leaving perfume, jewelry, eye shadow and oil, both fragrant and unscented oil (Az-Zuhaili, 1985). This causes other men to be attracted to the woman. The process of implementing 'iddah following sharia guidelines as a post-divorce woman's self-protection from social losses.

Researchers found a case in Besuki Situbondo District, East Java. There was a woman (wife) whose husband died but did not perform ihdah, which Islam regulates the obligation of a wife whose husband dies to complete ihdah. But what happened in the Besuki Situbondo District, East Java, there was a woman (wife) whose husband died. The woman (wife) worked with an attractive appearance, such as decorated with faces and wearing clothes that did not comply with the conditions of ihdah in Islam. The woman's name was Mrs. Eni. The researcher has been interviewed related to his work, and he is a bank employee at the BNI Besuki Situbondo branch office. Her work requires Eni's mother to look attractive because Eni's mother must obey this official rule. Meanwhile, Eni's mother's obligation to keep working is to support her day-to-day.

So in this case, it is necessary to conduct a study on why there are provisions for 'iddah for women and no provisions for men, as well as the application of 'iddah for women, which will then be analyzed using a maqoshid shari'ah knife, to know how the law 'iddah of career women in the concept of maqasid Syari'ah.

Several studies were similar to the research to be studied from the search results for previous research. These studies include:

Waliko (2015), "Konsep Iddah Dan Ihdad Bagi Wanita Karir Yang Ditinggal Mati Suaminya (Tinjauan Ma'anil Hadis)," This study examines the understanding of the hadith that forbids a wife whose husband has died from leaving the house to work during the mourning period (Waliko, 2015).

Soraya Devy (2020), "Persepsi Masyarakat Tentang Pelaksanaan Iddah Wanita Karier Karena Cerai Mati Di Kec. Blangkejeren Kab. Gayo Lues, Aceh". This study examines the public's perception of the iddah period of divorced women (Devi & Maryam, 2020).

Tontowi, M. Hamin, Munib (2018), "Penerapan Masa Iddah (Studi Kasus Kawasan Pantura)". The preliminary study is about the factors that cause the ineffectiveness of the implementing the iddah period in the north coast of Boncong village (Tontowi et al., 2018).

The difference with previous research is that the mayor's research only examines the study of the hadith against the prohibition of the wife during the period iddah. Soraya Devy, examines society's views towards a wife in the past iddah because her husband died. And Tontowi assesses the effectiveness of the implementation of iddah in Indonesia. Meanwhile, in this study, we will discuss the legal provisions for a wife in the future iddah to work outside the home to support the family because a husband has died. This is different from previous research; so far, no research has examined the provisions of a wife during iddah to work from the perspective Maqashid As-Sharia.

This study aims to examine one of the problems regarding the limitations of iddah experienced by a wife who lost her husband and continues to work to support her family with an attractive appearance, such as making up her face and wearing clothes that are not by the provisions of iddah.

Method

This research uses descriptive analysis method with empirical juridical research (*empirical legal research*). (Ali, 2014) This method is used because the object of this research is about mass implications *iddah*, a wife as a Woman in Besuki Situbondo District, East Java perspective *Maqasid As-Shariah* Jesse Auda. The approach used is a conceptual, sociological, anthropological and legal history approach. The data sources are primary legal materials, the main sources, and secondary legal materials. Primary legal materials were obtained from the information provided by respondents and informants. In contrast secondary legal materials were obtained from studying various literacies such as books, journals, and other written works that were considered related to this research. Data were collected by conducting interviews and observations (Muhaimin, 2020).

Results and Discussion

Terms of Iddah for Career Women in Islam

Islam places the position of women in the best place and situation. Women with all the privileges attached to themselves are social beings who will act as wives, mothers, and children. The existence and role of women, especially career women, either because of compulsion due to the death of their husband

or because of the will of their parents or the wife's (Putra, 2019). But what needs to be understood is that in Islam, a wife who breaks up her marriage has legal consequences that must be considered, namely the issue of 'iddah. Iddah is etymological "calculation" (Ahmad Al-Qolimi, 2008).

Meanwhile, the terminology is waiting for someone for a period that can be known with that time frame that the womb is clean, with several holy periods, several months, or giving birth to a womb (Chaidaroh, 2013). In addition, in waiting for the 'iddah, women must stay at home until the end of the 'iddah limit. Based on the Qur'an al-Thalaq verse 1:

يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ وَاتَّقُوا اللَّهَ رَبَّكُمْ لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُّبِينَةٍ وَتِلْكَ حُدُودُ اللَّهِ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ لَا تَدْرِي لَعَلَّ اللَّهَ يُحْدِثُ بَعْدَ ذَلِكَ أَمْرًا

"O Prophet! When you divorce your wives, you should divorce them when they can (face) their (reasonable) iddah, and count the time of the idah, and put your trust in Allah your Lord. Do not take them out of their homes and do not (permitted) go out unless they do a clear heinous act. These are the laws of Allah, and whoever violates the laws, he has indeed wronged himself. You don't know maybe after that Allah will make a new provision."

In the beginning, *Iddah* and *Ihdad* were traditions of the Arab society of ignorance, which were applied to a wife who her husband abandoned. Where women during *Ihdad* isolate themselves at home and are not allowed to go out at all for a whole year. Women in the period of *Iddah* in the Arab Jahiliyah tradition are not allowed to decorate. The women left behind are only given pets to rub their skin. However, the tradition was changed after the arrival of Islam which brought changes in the order of Arab society, Islam has changed the procedures for *iddah* and *ihdad*. Islam has changed the grace period for the *iddah* period and the guidelines for implementation that are more honorable to women. Islam does not forbid women (wives) during the *iddah* to make up and leave the house. Islam only forbids that it is not permissible to marry during the *iddah* period until the expiration of the specified time. After the *iddah* period, the woman can determine her life path based on her wishes (Leo Perkasa Maki et al., 2021).

Several groups of women's activists view that the concept of *iddah* is a form of discrimination against women because women (wives) are limited in their space of movement after the marriage is dissolved, either because of divorce, life or death. Women (wives) must determine their association, lifestyle, daily activities and even careers. At the same time, men are free to do anything after divorce and even remarriage is allowed without waiting for the completion of the *iddah* period. Whereas in modern life today, women are faced with demands and challenges that are no different from men, namely playing an active role, not only in the domestic sphere, but also in the public sphere. (Nadhifah Minnuril Jannah & Ma'rifatul Faiqoh, 2021). However, if understood further, the implementation of the *iddah* period has three functions: *First*, there

is no doubt about the sanctity of the ex-wife's womb so that there is no doubt about the child conceived by the wife if she has been with another man. *Second*, if the divorce is living, not because of death, then the husband still has the right to reconcile with his wife. *Third*, the iddah period for the wife whose husband died aims to prevent displeasure from the family of the husband who died because he had just died and had remarried to another man (Hidayatul Firdaus, 2015). When viewed from the three points above, the implementation of the iddah period aims to glorify and protect women from being stigmatized by society. According to Ibn Hazm, the iddah commandment is a matter of *ta'abbudi* so that the provisions of the *iddah* are just accepted and implemented, and there is no wisdom in it (Febri Hidayati, 2019).

In addition, Islam normatively firmly recognizes the concept of justice and equality between men and women. Justice and gender equality are based on principles that position men and women equally as servants of God (Khoiri Anwar et al., 2018). Although some people think that the *iddah* is unfair and discriminates against women, the prophet determined this provision. Because with the enactment of the iddah, it is clear that the condition of the woman's uterus after the divorce or after the death of her husband is pregnant or not, so if the woman is pregnant, the status of the fetus becomes clear who the father is. Likewise for a woman whose husband has died, the 'iddah is 130 days (K.Daud & Muniri, 2020). The Iddah imposed on women is only due to the dissolution of the marriage.

According to Ali Ahmad Al-Qolimi, women who break up their marriages in his book are categorized into three parts (Ahmad Al-Qolimi, 2008). First, '*iddah* with quru'. It is imposed on the wife who is still actively menstruating and in a state of dukhul, which is counted for three times of quru' or three times of purification. Based on the verse of the Qur'an surah al-Baqarah verse 228:

وَالْمُطَلَّاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ وَلَا يَحِلُّ لَهُنَّ أَنْ يَكْتُمْنَ مَا خَلَقَ اللَّهُ فِي أَرْحَامِهِنَّ إِنْ كُنَّ يُؤْمِنْنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَبِعَوْلَتُهُنَّ أَحَقُّ بِرَدِّهِنَّ فِي ذَلِكَ إِنْ أَرَادُوا إِصْلَاحًا وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ وَاللَّهُ عَزِيزٌ حَكِيمٌ

"Women who have been divorced should refrain from (waiting) three quru's. If they believe in Allah and the Last Day, they may not hide what Allah has created in their wombs. And her husbands have the right to refer to her in the waiting period, if they (husbands) want ishlah. And women have rights that are balanced with their obligations according to the right way. However, husbands have a degree of superiority over their wives, and Allah is Mighty, Wise."

Second, '*iddah* with the moon. 'Iddah in a matter of months is imposed on a wife whose husband dies while the wife is old, does not have the habit of menstruation and is not pregnant, which is calculated for four months and ten days. Based on the Qur'an surah al-Baqarah verse 234:

Islamic law has determined three prohibitions for women undergoing the *'iddah* period. First, it is forbidden to marry another man. A woman undergoing *iddah* either because she is divorced, fash, or left to die by her husband may not marry other than the man who gave her permission. If he marries then his marriage is considered invalid, and if he has sexual intercourse, he says the punishment is al-hadd (Warjiati, 2019).

Second, it is forbidden to leave the house except for emergency reasons. Women undergoing the *'iddah* period are not allowed to leave the house that they share with their husband before divorcing. He is only allowed to go out if there is an urgent need, such as buying basic needs or medicine. In addition, the husband is also not allowed to force out of the house unless he has committed a forbidden act such as adultery. Scholars who adhere to the Hambali school allow going out during the day for wives who are left dead or in divorce, while Ibn Qudamah argues: "For wives who are undergoing the *'iddah* period may leave the house to meet their needs during the day, either because of divorce or because of divorce. her husband died." (Qadir, 2012).

Third, must do *ihdah*. A woman whose husband dies is obliged to perform the ritual of *ihdah* (restraint) until her *'iddah* period is over. The word *ihdah* means not wearing jewelry, fragrances, patterned clothes, henna, and eye shadow. This *ihdah* obligation follows the *iddah* obligation, so this applies during the *iddah* period, *ihdah* also means to stay away from all things that can attract the attention of other men (Khoiri & Muala, 2020).

Career Women in the Iddah Period in Besuki District

The role of women as career women sometimes causes various problems, after the breakup of a marriage due to the death of her husband. Where women are burdened by law, namely the implementation of the *iddah* period (Jannah, 2019). Based on the research, the general description of *'iddah* for career women in Islamic law in Besuki District, Situbondo Regency is based on interviews with respondents.

In the opinion of Mrs. Eni as a woman whose husband died but still works outside the home without *Ihdad*, she said that *Ihdad*'s explanation was a period of waiting for a woman whose husband died. Women carrying out *Ihdad* are prohibited from wearing colored clothes and cannot preen themselves out of respect for their husbands who have been killed. *Ihdad* is not obligatory to do because a woman who is left behind must earn a living for her daily life (Interview Results with Mrs. Eni, On May 20, 2021. At 08.30 WIB).

In the opinion of Mrs. Eni's neighbor in Besuki Sub-district, Situbondo Regency, she said that *Ihdad*'s explanation was a situation where a woman does not decorate herself as a sign of feeling mourning for the death of her husband or family. Career women do not have to carry out *ihdah* and must continue to work. According to him, Mrs. Eni still looks attractive like the previous days (Interview Results with Mrs. Eni, On May 20, 2021. At 08.30 WIB).

According to the opinion of religious leaders in Besuki sub-district, Situbondo district, ihdad is a part that must be done for a wife whose husband has died. According to him, the provisions that must be carried out for wives who are left behind are not allowed to decorate themselves, wear black clothes and are not allowed to leave the house.

Furthermore, based on data collection that has been carried out relating to career women during the 'iddah period who should have performed Ihdad in Besuki Subdistrict, Situbondo Regency, information was obtained that career women during the 'iddah period in Besuki Subdistrict considered that carrying out ihdad was not mandatory. Therefore, it can be seen that the cause of their ignorance is due to the lack of knowledge and understanding of Islamic law, as well as the lack of socialization of religious leaders about the 'iddah period for women who are divorced by their husbands.

An example is Mrs. Eni, a 31-year-old Muslim resident of Besuki Sub-district, Situbondo Regency with a bachelor's degree in accounting and working at Bank Negara Indonesia (BNI) precisely in Besuki District, Situbondo Regency. She said that her husband's death had started in early 2021. After her husband's death, Mrs. Eni did not carry out ihdad due to lack of understanding and no public awareness of the importance of carrying out ihdad. In addition, to meet daily needs and for her children's school needs, Mrs. Eni still has to work at the bank without carrying out ihdad.

When Mrs. Eni worked at the Bank, Mrs. Eni's dress style used colorful clothes, preen, wore fragrances and wore jewelry that deviated from the Ihdad provisions. He said that while working at Bank, Mrs. Eni was demanded by the Bank to look attractive because it had become an obligation that all employees must carry out. If Mrs. Eni does not comply with the regulations at the Bank, then Mrs. Eni will get into trouble at her place of work. So that makes Mrs. Eni continue to comply with Bank regulations to continue to work and be able to meet the needs of herself and her children. This may not force Eni's mother to carry out her 'iddah and ihdad obligations because the necessity to meet her family's daily needs takes precedence.

Analysis of Maqosid Syariah in Iddah for Career Women

Islamic law has set such a variety of problems faced by humanity. The primary sources of its determination come from the Quran and Hadith (Ridha & Alfian, 2020). Islam has regulated the concepts of aqidah, morality, and fiqh. Compared to aqidah and morality, fiqh is much more intense in its struggle with the dynamics of contemporary life because fiqh is directly related to aspects of the reality of daily human life (Auda, n.d.). The dynamics of community life often give rise to new problems. There are at least two possible answers if these questions are related to Islamic teachings. *First*, there are explicit rules governing it which can be found in the Qur'an or Sunnah as the essential source of Islamic law. *Second*, the problems encountered are only implicitly grounded.

So, in the second condition, legal thoughts from those who have authority are needed (Umar, 2012).

It has been explained previously that one of the contemporary Muslim thinkers, Jasser Auda, has several reforms to maqashid sharia in a modern perspective. First, the move from maqashid shari'ah, which used to have the nuances of protection and preservation to maqashid with a sense of development and glorification of Human Rights (Auda, n.d.). To form a whole system of thinking, in understanding the legal provisions of the 'iddah for career women in the maqashid sharia concept, especially in Jasser Auda's view, it takes six system features to be optimized as an analytical knife, including; cognitive nature (cognitive character), wholeness, openness, interrelated hierarchy (hierarchical links), multi-dimensional and purposefulness (goals) (Auda, n.d.). According to the author, the concept of jasser's thinking, it is considered comprehensive in exploring maqashid sharia because it makes the public interest the ultimate goal aimed at humans.

This analysis is carried out by first placing the legal rules of 'iddah contained in the text as a whole by explaining the legal system that formed it and its 'illat, to see the problems of 'iddah more clearly and openly. Second, it explains the hierarchical relationship between the nash 'iddah law and all aspects of the dimensions surrounding the 'iddah obligation. This concept uses maq analysis *maqāsid 'ammah* (general maqasid), *maqāsid khassah* (partial maqasid) and *maqāsid juz'iyah* (special maqasid) (Ibn Mukhtar Al-Khadimy, 2014). The public interest must be prioritized over the individual interests in particular (Robin & Shodiqin, 2021). Third, analyze the purpose of the ability to leave the 'iddah and ihdah for career women. The concept used is the level of importance of *maqāsid shari'ah*, dharuriyat (needs), *hajiyat* (needs), and tahsiniyat (luxury). In addition, the five components of man are also used *maqāsid Shariah* about protection.

Based on the ijihad of previous scholars and also followed by contemporary scholars who explain 'illat iddah, namely as expressed by Hanafiyah scholars and Shafiiyah scholars regarding the function of 'iddah, Hanafiyah scholars stated that the function of *'iddah* is to spend what is left as a result of the marriage, such as the possibility of pregnancy (womb) and rights such as reconciliation, maintenance, and others (Ahmad Al-Qolimi, 2008). Meanwhile, according to the Shafi'iyah scholars, the function of 'There are three iddah, namely to know the empty womb, devotion to Allah SWT, and condolences for the death of the husband (Ahmad Al-Qolimi, 2008). Some of these definitions raise fundamental questions regarding the function of the 'iddah which is the legal illat for which 'iddah is required. Is the 'illat law' iddah to know the contents of the womb or the emptiness of the womb, or is it devotion to Allah, or condolences, or are the three of them a unity that makes up the 'illat law iddah.

About 'illat' *iddah*, Musa al-Hijawi in his work *al-Iqna'fi hilli alfazi Abu Shuja'* stated that 'illat' *iddah* which is more dominant (*al-mughallab fih*) is *ta'abbudi* (Al-Hijawi, 1990). *Ta'abbudi* is synonymous with worship that produces rewards. If so, then it should be fairer if men are allowed to get rewarded through *iddah*. Likewise, women who at the time of breaking up their marriage still have never had sex with their husbands are also allowed to earn rewards through *iddah*. However, *fiqh* and *ijma* do not require *iddah* against men and women who have never had sex with their husbands (Ahmad Al-Qolimi, 2008). From this we can see again that men have an obligation to make a living and *mut'ah* after the divorce (Ahmad Al-Qolimi, 2008). So there is a balance between men and women. If function *iddah* is an expression of condolences (*tafajju*). Alone, it should be fair if men are also burdened *iddah*. However, more precisely 'illat' *iddah* is knowing more than the emptying of the womb, which aims to maintain the purity of the lineage in order to avoid the chaos of lineage. Therefore, time *iddah* for pregnant women is until delivery (Ahmad Al-Qolimi, 2008).

As for the exit of career women who are in the *iddah* period, it needs to be mapped out in the form of a hierarchy in *maqoshid shari'ah*. This hierarchy shows the differences in protected interests, between public interests and individual or special interests (Auda, n.d.). The hierarchy of career women in perspective *maqāSid shariah* can be explained through the concept of *maqāsid 'ammah*, *maqāSid Khassah*, and *maqāsid juz'iyah*. *Maqāsid juz'iyah* is a goal related to the specific purpose of a legal determination of *iddah* for career women, *MaqāSid Khassah* are goals related to specific goals such as the law of *iddah* from the biological, psychological and sociological aspects, while *maqāsid 'ammah* is the overall goal, namely the general goal of sharia by maintaining family livelihood and family honor. These three benefits should not conflict with each other (Kholil, 2018). So that the benefit of being allowed a career woman to keep working (out of the house) during the *Iddah* (*Maqāsid juz'iyah*) must not conflict with the *maslahah* of the existence of *Iddah*, namely keeping the uterus empty to maintain the purity of lineage (*maqāSid khassah*), and also must not conflict with the general objectives of the *Shari'ah* such as *hifz nasl* and *hifz mal* (*maqāsid 'ammah*).

In terms of *maqosid shari'ah*, doing *iddah* with the aim of knowing the emptying of the uterus is a legal goal (*ghoyah dhoruriyah*), while staying at home without decoration and looking attractive is the main medium for achieving legal goals (*washilah Dhoruriyah*). The purpose of *iddah* to know the emptying of the uterus is permanent. The process of implementing *iddah* in any context, the main goal is to maintain the purity of lineage in order to avoid lineage confusion (Rohman Al-Jaziri, 1987).

Furthermore, from the description above, we can understand that staying at home without decoration and an attractive appearance is (*washilah Dhoruriyah*), which is an impermanent nature and can change, provided that

there is Dhoruriyat. Maintain family livelihood and family honor. If you look at the purpose of going out of the house by career women, it is not just to earn a living, but more than that, namely increasing the standard of living from the economic side of the family (*hifz mal*). Especially when the source of the family economy has become unclear due to divorce or the husband's death because at first, the backbone of the family was the husband's responsibility so that the husband met the family's needs, even if the 'iddah woman is not working (out of the house), instead, it will fall into difficult conditions from an economic perspective in meeting family needs, which will impact family destruction (*hifz nasl*) after divorce or husband's death. Thus, the goal of a career woman leaving the house to carry out her career and work activities to meet family needs is a very urgent need.

Furthermore, regarding ihdad, the concept of ihdad is to forbid women 'iddah to decorate so that men do not approach and be tempted by women who are 'iddah. This is called Ibn Rushd sad *aldzari'ah* (Rushd, 1998). It means closing the path of illegitimacy. The path in question is the interaction of women 'iddah with men. At same time, the prohibition of women's 'iddah is a proposal (*khitbah*) and marriage when the woman is in the period of 'iddah. Therefore, the 'illat law for ihdad is to protect the attitude of women from falling into marriage during the period of 'iddah which is prohibited. So making up is a means of interaction (*wasilah dhoruriyah*) that is possible for women 'iddah will fall into marriage in time 'iddah-his. On the other hand, career women are required by circumstances to maintain social relations by always looking attractive and ornate to complete their work without being shunned by their co-workers. This can then impact the destruction of the woman's job and career. Therefore, it is essential to look attractive for career women to maintain their career and work. It can be formulated that the goal of attractive-looking career women is to keep their job and work so that they remain a source of fulfilling their life and family needs. So looking attractive is a wash career and work.

Suppose it is seen from the substance that an attractive appearance aims to maintain a career and work so that it remains a source of fulfilling life's needs. In that case, decoration is an urgent need to meet the needs of life, which if not fulfilled, will to career and work destruction, which has implications for economic collapse. Therefore, it is appropriate if the glasses of intent occupying an emergency position are used to establish the law that career women are allowed to make up (leave ihdad) when carrying out career or work activities.

Then it can be concluded that Mrs. Eni who lives in Besuki District, Situbondo Regency has the right to continue her career based on maintaining family honor and providing for her family.

Conclusion

According to the Maqasid As-Shariah concept, a situation in a career woman whose husband has died is an emergency if it does not exceed the

permissible level. In the sense that a career woman is allowed to work, which is done to fulfill the requirements of the profession she is doing, with the aim that the woman is not fired or loses her job, and if the woman does not work, it will cause hunger and cannot meet the needs of her life and children. -his son. The concept used is the level of importance of maqāsīd shariah, dharuriyat (needs), hajiyyat (needs), and tahsiniyat (luxury). In addition, the five components of man are also usedāSid SharAhabout protection. The provisions of Ihdad, which prohibits a woman from decorating, can be abandoned for reasons of harm, namely to maintain a wife's career. This means that a wife can be adorned if it is intended to maintain a job.

References

- Abidi, S., & Aminuddin. (1999). *Fiqh Munakahat II*. Pustaka Setia.
- Ahmad Al-Qolimi, A. (2008). *Ahkamul Usroh Fi As- Syari'ah al-Islamiyyah*. Daru An-Nushroh lil Jama'ah.
- Al-Anshari, Z. (1996). *Hasyiyah As-Syarq (Juz 2)*. Dar al-Fiqr.
- Al-Hijawi, M. (1990). *Al-Iqna' Fil Hilli Alfadzi Abu Shuja' (Jilid 2)*. Dar al-Fiqr.
- Ali, Z. (2014). *Metode Penelitian Hukum*. Sinar Grafika.
- Ariani, I. (2015). Nilai Filosofis Budaya Matrelineal Di Minangkabau (Relevansi Bagi Penegmbangan Hak-Hak Perempuan Di Indonesia). *Jurnal Filsafat*, 25(1), 37.
- Auda, J. (n.d.). *Maqasid As Syariah As Philosophy of Islamic Law: A System Approach (Terjemah)*.
- Az-Zuhaili, W. (1985). *Fiqh Islam Wa Adilatuhu Jilid VII (Terjemah Abdul Hayyie al-Katani)*. Gema Insani Press.
- Chaidaroh, U. (2013). *Konsep Iddah Dalam Hukum Fiqh: Implikasinya Terhadap Wanita Modern Analisis Kritis Dekonstruksi*. IAIN Sunan Ampel Press.
- Devi, S., & Maryam. (2020). Persepsi Masyarakat tentang Pelaksanaan Iddah Wanita Karier karena Cerai Mati di Kec. Blangkejeren Kab. Gayo Lues, Aceh. *El-Usrah (Jurnal Hukum Keluarga)*, 3(1), 55.
- Dibul Bigha, M. (1978). *Fiqh Syafii (Terjemah)*. Bintang Pelajar.
- Febri Hidayati, N. (2019). Rekonstruksi Hukum 'Iddah Dan Ihdad Dalam Kompilasi Hukum Islam (KHI). *Mazahibuna: Jurnal Perbandingan Mazhab*, 1(1), 57.
- Fitriana, H., & Suhastini, N. (2021). Dinamika Psikologi Istri Pertama Yang Dipoligami (Studi Kasus Pada Suku Sasak Nusa Tenggara Barat). *Qawwam: Journal For Gender Mainstreaming*, 15(2), 28.
- Hidayatul Firdaus, D. (2015). Sinkronisasi Maqosid As-Syariah Dan Konsep Kesetaraan Gender Dalam Konsep Iddah. *Egalita: Jurnal Kesetaraan Dan Keadilan Gender*, 10(01), 12.
- Ibn Mukhtar Al-Khadimy, N. (2014). *'Ilm Al-Maqasid As Syariah*. Syirkah al-'abiikan lit ta'lim.
- Jannah, R. (2019). Hakikat Pendidikan dan Karir Perempuan Dalam Perspektif

- Hukum Islam. *An-Nisa'*, 12(02), 696.
- Jazari, I. (2021). Analisis Hukum Nikah Mut'ah. *Hikmatina: Jurnal Ilmiah Hukum Keluarga Islam*, 3(3), 302.
- K.Daud, F., & Muniri. (2020). Adab Dan Urgensi Khitbah Pada Era Kontemporer: Kajian Tafsir Fiqh Dalam Surat Al-Baqarah [2]: 235. *Al-Fikrah*, 3(1), 66.
- Khoiri, A., & Muala, A. (2020). Iddah dan Ihdad Bagi Wanita Karir Perspektif Hukum Islam. *Journal of Islamic Law*, 1(2), 256.
- Khoiri Anwar, Q., Shulton Asnawi, H., & Farida, A. (2018). Hak Dan Kewajiban Janda Cerai Mati Dalam Hukum Adat Lampung Pepadun Lampung Tengah Perspektif Gender. *Fikri: Jurnal Kajian Agama, Sosial, Dan Budaya*, 3(1), 363.
- Kholil, M. (2018). Analisis Sistem Metodologi Dan Filsafat Hukum Islam (Analisis Terhadap Pemikiran Jasser Auda). *Jurnal Penelitian Dan Pemikiran Keislaman*, 5(1), 40.
- Kurniawan, P., & Lestari, S. (2020). Marengge-Rengge: Upaya Membantu Kebutuhan Keluarga (Studi Terhadap Perempuan di Pasar Sangkumpul Bonang Kota Padangsidimpuan). *Yurisprudencia: Jurnal Hukum Ekonomi*, 6(1), 112.
- Leo Perkasa Maki, H., Angkasa, N., Rosyada, A., Akbar, M., & Mualifah, L. (2021). Relevansi Ketentuan Kompilasi Hukum Islam Tentang Masa Berkabung Perspektif Mubadalah. *Istinbath: Jurnal Hukum*, 18(2), 390.
- Muhaimin. (2020). *Metode Penelitian Hukum*. Mataram Press.
- Nadhifah Minnuril Jannah, R., & Ma'rifatul Faiqoh, N. (2021). Pendekatan Keadilan Gender Pada Penerapan Iddah Ditinjau Dari Studi Islam. *Urwatul Wutqo: Jurnal Pendidikan Dan Keislaman*, 10(01), 65.
- Nur Inayah, E., & Amin, M. (2017). Masa Berkabung Bagi Suami Di Desa Ngimbang Perspektif Hukum Islam dan KHI. *Al-Hukama'*, 07(01), 102.
- Putra, D. (2019). Konsep 'Urf Dan Implementasinya Pada Ihdad Wanita Karir. *El-Usrah*, 2(2), 269.
- Qadir, M. (2012). *Fiqh Al-Mar'ah Al-Muslimah Minal Kitab wa al-Sunnah: Buku Pintar Fiqh Wanita: Segala Hal Yang Ingin Anda Ketahui Tentang Perempuan Dalam Hukum Islam*. Zaman.
- Ridha, M., & Alfian, M. (2020). Pendekatan Linguistik Dalam Pengkajian Hukum Islam Klasik. *Al-Qisthu: Jurnal Kajian Ilmu-Ilmu Hukum*, 18(1), 29.
- Robin, A., & Shodiqin, A. (2021). Diversity in Determining Maturity Age in Indonesia Law: Maqasid Al-Syari'ah Perspective. *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial*, 18(1), 2021.
- Rohman Al-Jaziri, A. (1987). *Fiqh 'Ala Madzhabiul Arba'ah Juz 4*. Dar al-Fiqr.
- Rusdh, I. (1998). *Bidayat Al-Mujtahid Wa Nihayat Al-Muqtasid (Jilid II)*. Dar al-Fiqr.
- Sabiq, S. (1990). *Fiqh Sunnah VIII, Terjemah Moh. Talib*.
- Sayyid Sabiq, M. (2017). *Fiqh Sunnah 1*. PT Pustaka Abdi Bangsa.
- Susilo, E. (2016). Iddah dan Ihdad Bagi Wanita Karir. *Jurnal Al-Hukama*, 06(12), 285.

- T. Yanggo, C., & Anshary, H. (2009). *Problematika Hukum Islam Kontemporer*. Pustaka Firdaus.
- Tontowi, Hamim, M., & Munib. (2018). Penerapan Masa Iddah (Studi Kasus Kawasan Pantura). *Jurnal Kajian Hukum Islam*, 5(1), 53.
- Umar, H. (2012). *Nalar Fiqh Kontemporer Cet. I*. Gaung Persada Press.
- Waliko. (2015). Konsep Iddah Dan Ihdad Bagi Wanita Karir Yang Ditinggal Mati Suaminya (Tinjauan Ma'anil Hadis). *Yin Yang*, 10(01), 3.
- Warjiati, S. (2019). Aborsi Pada Masa Iddah Wanita Hamil Untuk Mempercepat Perkawinan Dalam Perspektif Hukum Islam. *Jurnal Al-Ahwal*, 12(01), 47.