

## THE CONCEPT OF 'IHDAD HUSBAND WHO LIVED WITH THEIR WIFE (ANALYTICAL STUDY OF QIRAAH MUBADALAH'S INTERPRETATION)

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**Abstract:** The purpose of the research is implementation of *ihdad* husband whose wife died. The interpretation of *ihdad* was assessed as gender biased because it only talks about women. Women whose husbands die have a period of iddah and ihdad. Al-Quran texts and hadith explain about some of the prohibitions of *ihdad* women. Classical Fiqh has nothing to say about *ihdad* for husbands. Next about *ihdad* husband will relation with Qiraah mubadalah. This research uses this type of research Yuridis-Normative. Qiraah mubadalah explain about method of interpretation with in parallel subject text. That is Islamic texts that discuss the subject of women and men have the same meaning. the implementation of *ihdad* has a main goal is remember and respect and protect the feelings of the family who died. If *hikmatuttasyri* like that and then *ihdad* law not only apply to women, but applies also to men. The standart of husband's *ihdad* according to costums in society.

**Keywords:** *Ihdad*, husband whose wife died, Qiraah Mubadalah

### The Introduction

Divorce is the breaking up of a marital relationship between husband and wife. The process of mediation while doing a divorce. However, the problem situation cannot be divorced. Islam also confirms divorce, but in principle this is the last solution in resolving marital conflicts. Islam justifies a divorce. However, Islam makes divorce the last solution in resolving marital conflicts. Initially, there must be a third person to resolve the domestic problem (mediator). If the mediation process does not find a solution to the problem, then in this case the final divorce is the solution because there are many harm if the marriage is still amazing.

There are two factors that cause a marriage to break up, namely vertical and horizontal factors. The vertical factor is related to God's destiny, the break of a marriage caused by the death of a husband or wife. Meanwhile, the horizontal factor, namely the breakdown of marriage, is caused by the fact that humans themselves are usually called divorce talak or khulu' (Tihami and Sohari Sahran, 2009: 144).

Divorce has legal implications for wives who do not have a waiting period (iddah). Iddah is divided into two kinds of quality, quantity and quality. In the Al-Karim appears in the form of the Khos pronunciation in the form of the number 3 (three) quru 'for ordinary divorce, 4 (four) and 10 (ten) for iddah due to the death of her husband (Cholidi, 2016: 121).

Iddah aims to see the womb of a woman who is pregnant or not and to fulfill one commandment of Allah SWT. The woman whose husband passed away performed iddah for four months and ten days. During that period he also carried out a period of mourning or ihdad. Ihdad comes from Arabic, namely ahadda-yahiddu-ihdad which means to prevent or detain or stay away (Syarifuddin, 2014: 320).

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Ihdad is a prohibition on making decorations for women who practice 'iddah because they are worried that they will seduce men. Prohibitions during the mourning period include wearing fragrances, overly decorating yourself, wearing excess jewelry, going out of the house and so on.

In classical fiqh the meaning of ihdad is gender biased because it only serves women. It is different from the contents of the Islamic Law Compilation (KHI). in KHI not only describes a woman's ihdad, but also discusses a man's ihdad. Article 170 KHI, namely "(1) A wife to whom her husband responds, is obliged to carry out a period of mourning during the iddah period as a sign of grieving and at the same time safeguarding from slander (2) a spouse whose wife has died, has a period of mourning according to merit".

Through qiraah mubadalah provides a new analysis knife by relating between women and men. a new way of paying attention to gender relations between women and men so that it becomes a balance. Qiraah mubadalah also has an important urgency in gender relations from text and context (Kodir, 2019: 3). Therefore, the author will discuss ihdad for husbands and then analyzed through the qiraah mubadalah interpretation.

## Research Methods

This research uses juridical-normative research. This legal research is conceptualized as a norm that becomes a reference in human behavior. This study re-examines the law of ihdad for a wife which is incompatible with the wife but also for a husband. Furthermore, the concept of ihdad is made through the analysis of the theory of mubadalah.

## Discussion and Results

### The concept of ihdad According to Islamic law

Ihdad comes from the Arabic language, namely ahadda-yahiddu-ihdad which means to prevent or hold or stay away (Kodir, 2019: 3). According to Imam Malik, ihdad is to avoid everything that is used to decorate women. Furthermore, Madzhab Syafi'iyah also argues that ihdad is a prevention to decorate clothes or other prevention that causes arousal of men for him (Susilo, 2016: 283). Sayyid Abu Bakar Al-Dimiyati also argues that Ihdad is refraining from grooming / adorning the body (Tihami and Sohari Sahrani: 343).

From some of the terms above, the term ihdad means the behavior of women to avoid actions that can attract the attention of men to preach or marry them during the iddah period, especially iddah died. The existence of this ihdad has the aim of safeguarding women who are iddah from heinous acts that can bring them closer to the rush of marriage. As the hadith of the Prophet narrated by Imam Bukhari:

عَنْ أُمِّ عَطِيَّةَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَتْ كُنَّا نُنْهَى أَنْ نُجِدَّ عَلَى مَيِّتٍ فَوْقَ ثَلَاثِ إِلَّا عَلَى زَوْجِ أَرْبَعَةِ أَشْهُرٍ وَعَشْرًا وَلَا نَكْتَحِلَ وَلَا نَتَطَيَّبُ وَلَا نَلْبَسُ ثَوْبًا مَصْبُوعًا إِلَّا تَوْبَ عَصَبٍ وَقَدْ رُحِّصَ لَنَا عِنْدَ الطَّهْرِ إِذَا اغْتَسَلْتُ إِحْدَانًا مِنْ مَحِيضِهَا فِي نُبْدَةٍ مِنْ كُسْتٍ أَظْفَارٍ وَكُنَّا نُنْهَى عَنْ اتِّبَاعِ الْجَنَائِزِ قَالَ أَبُو عَبْدِ اللَّهِ رَوَاهُ هِشَامُ بْنُ حَسَّانٍ عَنْ حَفْصَةَ عَنِ أُمِّ عَطِيَّةَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ (Muhammad, 1992)

*"From Ummu 'Athiyah From the Prophet sallallaahu' alaihi wasallam, he said," We are prohibited from mourning the death of more than three days except for the death of a partner, which is for four months and ten days. primp, wear fragrances, wearing clothes that fitted clothing striated (from the country of Yemen). And we were given waivers if you want to shower after menstruation to use a bar of fragrant wood. And we are also prohibited from dropping off the bodies. "(HR. Bukhari Muslim)*

وَسَمِعْتُ أُمَّ سَلَمَةَ تَقُولُ جَاءَتْ امْرَأَةً إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَتْ يَا رَسُولَ اللَّهِ إِنَّ ابْنَتِي تُوفِّيَ عَنْهَا زَوْجُهَا وَقَدْ اشْتَكَّتْ عَيْنُهَا أَفَتَكْحُلُهَا فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَا... (Muhammad, 1992)

*"I heard Umm Salamah say; A woman once came to the Messenger of Allah -peace and prayer of Allah be upon him and said, "O Messenger of Allah, actually my daughter was left dead by her husband, while her eyes also hurt. Can she be prone?" So Rasulullah SAW replied: "No." .. "(HR Bukhari Muslim)*

According to Ibnu Rusyd, the mulimin agreed that a period of mourning (ihdad) is obligatory for a free Muslim woman in the iddah of her husband's death (Ghazali, 2015: 302) Imam Syafi'i argues that there is no verse in the Qur'an who orders to perform ihdad, but in the above hadith, the Prophet ordered women whose husbands died to do ihdad (Yanggo and Hafiz Anshory, 2009: 12 So, the law of havingihdad for women whose husbands died is obligatory, both women who are still immature or advanced age.

Hanafis found immature female is no obligation to do ihdad. While non-Muslim woman whose husband has had kewaji tires for iddah and ihdad. And non-Muslim " arloh " husband ", then there is no obligation to carry out these provisions, because he is not bound by law in Islam (Muhammad, tt: 224).

As for what women who are mourning should avoid: Use perfume, except only to get rid of body odor, either in the form of perfume or toiletries. As the Prophet said, "do not provoke fragrances, except when taking a bath from a small period or the tip of a nail."; Wearing jewelry, except with reasonable limits; To decorate oneself, whether on the face, showy clothes or body; Overnight. Jumhur ulama agreed to oblige women to do iddah because of the death of their husband, to remain in their husband's house (Syarifuddin, 2014: 321).

The purpose of the enactment of ihdad is so that men are not told and seduced by women who are 'iddah and so that women who are' iddah are not seduced and seduced by men. These two things are called sad al-dzariah. It means closing the path of prohibition. The net is in the form of interaction between women and men and to decorate themselves. Furthermore, the form of prohibition is marriage (khitbah) and marriage during 'iddah. So the illat of ihdad law is to protect the actions of women from marriages that were prohibited during the 'iddah period (Susilo, 286).

### **Qiraah Mubadalah**

Arabic word ba-da-la which means to change, change, and exchange. The use of the word mubadalah in this case uses understanding and perspectives between parties. More focus on the relationship between men and women in the country and domestically. Furthermore, this term is also used for the method of interpretation of equivalent subject texts, meaning that Islamic texts include women and men as subjects of the same meaning (Kodir, 2019: 59).

### **Concept of qath'i and zhanny and interpretation of gender texts**

In ushul fiqh the terms Qath'i and Zhanny are used to describe the source of Islamic law in the form of texts on two things, namely; side of existence (tsubut) and also interpretation (dalalah) (Kodir, 2019: 186). First, the text is constructed. Qath'i then has a side of existence which is the text which is the strongest in existence. For example, the text of the Qur'an and hadith mutawattir. The form of the text is undoubtedly in a legal definition.

Second, the discussion of qath'i and dzanny in terms of interpretation of the meanings contained in them (dalalah ma'na). The focus of the interpretation of this text is in the form of pronunciations that are arranged to provide a clear meaning (qath'i) or still have another meaning in it (zhanny). In a qath'i class there is definitely no provision. Because the text is clear in its legal content. While zhanny can cause a lot of coercion, so that new meanings will emerge.

On the other hand, the meaning of the qath'i text is seen from the agreement of the scholars regarding the qath'iy-an meaning in a pronunciation. Even though the scholars agree that the text is qath'iy, surely there will be many different understandings among the scholars. So it is difficult to find a single meaning in the pronunciation of the text. So, this meaning is not only seen from a single meaning according to language theory, but the agreement of scholars' agreement on the meaning of the text.

Ushul Fiqh discusses the concept of qath'iy al-dalalah. According to Al-Razi, a qath'iy text is difficult to find, because the real premises are zhanny. anything that begins with the premise only changes zhanny individually. Furthermore, if you look at the history of dissent classical scholars discuss the meaning of paragraf hmost fundamental to gender issues, the texts of gender is still open to new interpretation efforts more comprehensive integral.

The qiraah mubadalah method provides historical continuity in the interpretation of Islamic texts from the past to the present. This method is used to see texts that come from Islam with gender relations. This aims to equalize men and women in the readers of Islamic texts, equal as people who are invited and given messages. This interpretation method is also inspired by the classical interpretation tradition of legal logic thinking (ta'lili al-ahkam) (Kodir, 2019: 157-158).

### **The Basic Premise of Qiraah Mubadalah**

In the revision of Allah's revelation it came down to greet women and men. The legal content in it is also to satisfy. In this method, we will discuss the important message disclosure of the text itself. Either this text is aimed at either male or female. However, this method will apply both biased texts

with one gender that can be used.

The method of interpreting *mubadalah* based on three premises. *First*, Islam exists for both men and women, so the text must also target. *Second*, the principle of the relationship between services is cooperation and respect, not hegemony and power. *Third*, The Islamic text is open to reinterpretation in order to support the two previous premises in the interpretation of each work.

Based on the three premises above, the way of interpreting *mubadalah* processes to find the main ideas of every texts read so that they are always in line with universal Islamic principles and are suitable for all genders. Based on this basic premise, the framework for dividing Islamic texts into three groups, namely groups of texts that use basic principles (al-mabadi'), groups of texts containing teachings of thematic principles (al-qawaid), and discussing teachings and norms are implementative and operational (al-juziyyat) (Kodir, 2019: 196).

### **The way the qiraah mubadalah**

Working The way the method of interpreting *mubadalah* works on Islamic source texts consists of three steps that need to be known:

- a. Find and determine the principles of Islamic teachings of texts that are universal as the foundation of meaning (Kodir, 2019: 200). The principles that become the basis of inspiration are the general principles of love which transcend the whole theme (al-mabadi') of the specific principles for a particular theme (Al-Qawaid). Principles are examples that go beyond case examples; commandments concerning faith which are the foundation of all charity. If someone is blessed, he will be rewarded well, and do not differentiate between gender. Discussing verses that are principle in nature, only at this stage are used. This means that the ideas in the text are the basis for balance, justice and irritation between men and women. In this stage, it only requires affirmation of the subject matter of men and women. The initial step in this stage refers to the hadith text or verses that have relevance to the text being studied. Looking for general and specific principles (qawaid). Then it is pulled to be related regardless of gender.
- b. Finding the main ideas recorded in the texts to be interpreted. This stage is carried out by eliminating the subject and objects in the text, then the predicate in the text becomes the meaning that will be published. This method is used to find the meaning contained in the text, then link it with the principles in the first step (Kodir, 2019: 201). In the main idea taken by means of maqasid al-syariah.
- c. Finding ideas found from the text (born from the second step process) on the gender that did not come from the text (Kodir, 2019: 202). The meaning in the process of the *mubad* method does not differentiate between gender. When there is a verse that talks about men, it is for women too, as well as somewhat. The main idea or meaning found from the text is suitable for merit. The main meaning is always connected with the basic principles found in the first stage (Kodir, 2019: 202).

### Reciprocal Interpretation of Ihdad for Husbands in Qiraah mubadalah

Ihdad is a woman's behavior to avoid actions that can attract men's attention to khitbah or marry her during the iddah period, especially iddah death. There are several things that women should stay away from when they are doing iddah, including leaving the house, wearing celak, overly decorated and others.

Imam Shafi'i also stated about the enactment of iddah for women whose husbands died only. Whereas in Qaul Qadim women who are talak bain and talak khulu 'are obliged to carry out iddah. Meanwhile, the qaul jadid states that stating that there is talak bain or talak khulu 'is not obligatory to carry out iddah (Indayana and Siti Aisyah, 2018: 11). In the information presented by Imam Shafi'i and other scholars, the implementation of iddah law is only for women.

In the book *al-maushuah al-fiqhiyah*, it is stated that iddah is obligatory for women who have died by their husbands. This shows sorrow for the death of her husband who has kept her promises. Feelings of grieving for a partner should not be felt by women's feelings, even men must psychologically have the same feelings (Nurcholis, 2018: 12).

The study of the application of qiraah mubadalah offers about relevance to the text or hadith which only applies to one gender, then applies it by relating to one another. So, the meaning of the verse or hadith is not only talking about one gender, but exactly both sexes. Reciprocal interpretation will be applied in the application of verses or hadiths that talk about iddah. The legal basis for Ihdad is al-Baqarah: 234.

وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَلَا جُنَاحَ عَلَيْكُمْ فِيمَا فَعَلْنَ فِي أَنْفُسِهِنَّ بِالْمَعْرُوفِ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ

The above verse describes the time of iddah in which there is a period of mourning for the wife who has died by her husband. The object is a woman who has given up because her husband has passed away. Iddah of the woman's death is for four months and ten days, during which time it is also increased to carry out the iddah period. The main point of the text above is that women are in this situation, so they can carry out actions in their usual life.

The woman is prohibited from marrying during the iddah period. The majority of scholars agree that the iddah period only applies to women who are divorced due to the death of their husband. In essence, the purpose of the iddah period is to remember and honor her husband who died (Milati, 2014: 10). The goal of the syara is not only for women. However, it is suitable for a man whose wife died.

In history, the Prophet had a wife named Siti Khadijah. He married when he was 25 years old and Siti Khadijah was 40 years old (Chalil, 2001: 22). Furthermore, Siti Khadijah died at the age of approximately 65 years. The marriage of Rasulullah and Siti Khadijah lasted for approximately 25 years (Chalil, 2001: 357). After Siti Khadijah died, Rasulullah married Saudah binti Zum'ah at the age of 52 (Hudri and M. Ferry Wong, 2010: 131). So, between the death of Siti Khadijah and the marriage of the two Rasulullah and Saudah binti Zum'ah was approximately two years.

In the application of qiraah mubad is the first stage, finding and studying the principles of Islamic teachings from texts that are universal as

the foundation of meaning (Kodir, 2019: 200). The common text explaining about ihdad is QS. Al-Baqarah: 235 describes the prohibition of having a marriage contract before the end of his iddah period. The specific text (Qawaid) is first, QS Ath-Talak: 1 which explains the prohibition of issuing divorced wives during the iddah period. Furthermore, the hadith narrated by Imam Bukhari Muslim describes the prohibitions of women who have fallen asleep.

عَنْ أُمِّ عَطِيَّةَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَتْ كُنَّا نُنْهَى أَنْ نُحَدَّ عَلَى مَيِّتٍ فَوْقَ ثَلَاثِ إِلَّا عَلَى زَوْجِ أَرْبَعَةِ أَشْهُرٍ وَعَشْرًا وَلَا نَكْتَحِلُ وَلَا نَتَطَيَّبُ وَلَا نَلْبَسُ ثَوْبًا مَصْبُوعًا إِلَّا تَوْبَ عَصَبٍ وَقَدْ رُحِّصَ لَنَا عِنْدَ الطَّهْرِ إِذَا اغْتَسَلَتْ إِحْدَانَا مِنْ مَحِيضِهَا فِي نُبْدَةٍ مِنْ كُسْتٍ أَطْفَارٍ وَكُنَّا نُنْهَى عَنِ اتِّبَاعِ الْجَنَائِزِ قَالَ أَبُو عَبْدِ اللَّهِ رَوَاهُ هِشَامُ بْنُ حَسَّانَ عَنْ حَفْصَةَ عَنِ أُمِّ عَطِيَّةَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

Furthermore, Another hadith that tells about the prohibition of the Prophet using celak when doing altar.

وَسَمِعْتُ أُمَّ سَلَمَةَ تَقُولُ جَاءَتْ امْرَأَةً إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَتْ يَا رَسُولَ اللَّهِ إِنَّ ابْنَتِي تُؤْفِي عَنْهَا زَوْجَهَا وَقَدْ اشْتَكَّتْ عَيْنَهَا أَفْتَكْحُلُهَا فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَا.....

In principle, the text of the al-qur'an or the hadith which talks about the period of mourning actually does not have a ta'abudi meaning. This provision is useful for safeguarding the feelings of neglected family and respecting loved ones who have just left.

Seeing the wisdom of implementing ihdad, of course, the mourning period is not only for women. However, this also applies to men whose wife died with the aim of remembering and honoring their recently deceased spouse. On QS. Al-Baqarah: 234 allows them to act accordingly. That meanstimes of mourning are also prohibitions to attract the opposite sex who are defeated with properness that exist in society

The second principle, finds the main idea recorded in the texts to be interpreted. The main ideas contained in the QS text. Al-Baqarah: 234 means that Allah gives proper treatment after the iddah period. Discussions of women's iddah are ta'abuddi which of course cannot be defeated. However, the provisions of the ihdad have restrictions to prevent kindness. The mourning period aims to honor and remember the partner who recently passed away. not only women, men also carry out ihdad with the same goal of ihdad.

One of the prohibitions for women in religious life is to leave the house. See the relation with text in QS. At-Talak: 1 describes the prohibition of releasing women from the house, not women who are prohibited from leaving the house. This is a form of protection of Arab society for women in the future. Because the economy at that time women still depended on their husbands. This suggestion, when being declared, should not throw away from each other's house when a woman or a man is divorced (Kodir, 2019: 202).

The third principle is the findings found from the text (born from the second process) on the gender that is not in the text (Kodir, 2019: 202). If literal this text talks about prevention of men for women who undergo a period of mourning. When people decide what time it should not be breakfast,

the man is mourning. Because a person whose partner responds will feel sad psychologically, on the other hand it is also a form of respect for the spouse who died and condolences leaving has died to the family who. This, of course, is that every society has different requirements.

Ihdad performed by a husband whose wife died is something that must be done as a form of respect. However, the length of time for ihdad for the husband is determined based on the conditions of the community in each place and in a group of people there are different rules of decency in determining the length of time for ihdad for husbands.

### Conclusion

Qiraah mub is a method of interpretation of equal subject texts, meaning that the Islamic text includes women and men as subjects of the same meaning. Discussion about ihdad for husbands is needed. Because the enactment of the ihdad law discusses the main objectives of the Shari'a, namely remembering and respecting and maintaining the feelings of the family left behind. By looking at the goal of syara', the law of ihdad does not only apply to women but should also apply to men. Then regarding the length of time for ihdad for the husband, which is in accordance with the customary standards of decency that exist in a society.

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