The Review Of Istilahi Method For Career Wives
in The Iddah and Ihdad Period

Tinjauan Metode Istilahi Terhadap Istri Berkarir
Dalam Masa Iddah dan Ihdad

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ABSTRACT

The death of a husband causes a wife to have to carry out iddah and ihdad 4 months and 10 days. Of course, this resulted in such a large negative impact on the career pursued by the wife and even on the economy in the household. This study focuses on the legal provisions of the wife’s career in the period of iddah and ihdad caused by the death of the husband. This study is a library research using qualitative methods that produce descriptive data. Data sources are in the form of primary data and secondary data sources obtained from research results and some previous journals that are not directly related to this study. This study aims to analyze the legal norms by using a normative approach in the form of textual verses and Hadith as well as the rules of jurisprudence and the proposal of fiqh based on the istislahi method that puts forward the principles of benefit. Through the stages or steps in digging the law by using the term medote, leaving the house to work for a career wife is preferred because there is greater benefit than running the iddah period by staying at home. By working can avoid difficulties and prevent families and children from distress and hunger. A career wife in the condition of carrying out the iddah period upon the death of her husband who is bound by an employment contract, then the law may leave the house to continue doing her job because it is considered a wish and is in an emergency state. The level of Dharr experienced by the wife due to the death of the husband is in the dharuriyyah rank, but nevertheless must maintain her nature as a wife who is undergoing iddah and ihdad.

Keywords: istilahi method, career wife; Iddah and Ihdad.
INTRODUCTION

Along with the industrial revolution that continues to grow today, it has opened opportunities for women to take part in accordance with the progress of the modern world now, so it has been almost in all sectors in the world of work that women involvement who have a family outside the house cannot be avoided due to the demands of the times. In fact, the existence of women in the household is inneed, considering the nature and role of her in the household is very noble, whether it seen from the side of position, duties, and functions in the household, that the figure of a woman has a role as a family member, housewife even wife and nanny for her children.

However, it is sad that the role of women today as if had forgotten her nature as a woman who in essence has a role as a wife or mother for her children in the household and does all household activities. This is because mostly women are active outside the house and even active in several sectors, such as politics, social, culture, science, sports, the army, wilayatul hisbah and other fields. Even according to the data from CNN Indonesia that 36% of women in the company occupy senior positions.

Women who have entered the world of employment, the time to take care of all household affairs, especially those related to the kitchen, children and even husbands will be more limited especially those who work in offices. Intense competition between fellow women and each other has spurred women to continue to work and work, so that she must devote the ability, thought, time and even energy for the sake of her

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success. The activity is carried out only to earn income that basically aims to fulfil family needs.

That is the portrait of the life of women today where more time is spent outside the house solely for the sake of career improvement and achievement tirelessly for the continuity of her career. Women who pursue their profession even perform various activities to improve their achievements and careers are called Career Women.

According to data from the Central Statistics Agency (BPS), there was a significant growth in the number of career women from 2018 to 2019. In 2018, the number of career women was recorded at 47.95 million people. Then there was an increase in the number a year later to 48.75 million people.

In this case, if a married career woman is then faced with the death of her husband, then it has an obligation to carry out idhad and iddah. Carrying out iddah and ihdad within 4 months and 10 days is an obligation in the form of Ta'abbudi in order to enforce the Shari'a of Allah. Thus, all his activities outside the house will clash with the difficult situation and conditions that is faced by her. This is because there are many provisions and prohibitions against the career wife, besides the wife must also be the backbone for her family.

Women who have died husband, no longer earn a living from her husband, but she needs a living for survival. Of course, when faced with these situations and conditions, it will be a dilemma for the wife of a career wife. Therefore, it needs to be studied more deeply about the legal provisions of wives who have to work in the condition of undergoing iddad and ihdad so that it will be seen its validity or a change and shifts from existing laws.

**METHOD**

This study is a library research using qualitative methods that produce descriptive data. Sources of data in the form of primary, data obtained from the

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literature of the book of fiqh and usul Fiqh relating to the method of istilahi, iddah and ihdad. In addition, this study also uses secondary data sources obtained from the results of previous studies and several journals that are not directly related to this study. There are several studies related to iddah and ihdad of career wives, namely "Iddah and Ihdad modern women" ⁸, "the concept of Iddah and Ihdad for career women left by their husbands" ⁹, "Iddah and Ihdad for Career Women", ¹⁰, and "Iddah and Ihdad for Career Women Islamic legal perspective" ¹¹. The technique in analyzing the data is by analyzing and interpreting the data that has been collected. Then the data is analyzed using an inductive approach that is by examining in depth the data that are specific to then drawn general conclusions.¹²

Previous research does not associate with the istilahi method, but instead in this study makes the istilahi method as one way to solve the problem of wives who have to work during iddah and ihdad due to the death of their husbands. the author believes this issue is a contemporary and interesting issue to study and discuss in the journal.

**CAREER WOMEN IN CONTEMPORARY JURISPRUDENCE CONCEPTS**

The word career woman consists of the word’s woman and career. When these words put together, then the word means women who are engaged in professional activities and based on certain educational expertise ¹³. The term career woman can also be interpreted by women who are engaged in professional activities such as businesses, offices and so on ¹⁴. Thus, it can be understood that career women are

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women who do something or some work based on certain skills they have to achieve a progress in life, work and position 15.

Islamic law does not prohibit women from working as long as the Shari'ah is maintained, as there is no *ikhtilath* (the meeting together, mixing, and intermingling of men and women in one place). When the involvement of women in the field of profession requires to meet with men, then both parties should maintain good manners, including: wearing polite clothes and covering the genitals, keeping the view, and not doing intimit 16. Likewise, it is not permissible to meet for too long or repeatedly, for example, men and women gather in one place during work time, even though each of them takes care of each other's affairs. However, if the nature of the work itself requires repeated meetings in order to be able to fill and exchange ideas or for other purposes, then there is no problem as long as there is a really urgent reason 17.

Women who work must fulfill the provisions that have been outlined by religion such as not going out of the house unless the permission of her husband, she should go out unadorned looking for a lonely road and not crowded places, keeping her voice so as not to invite the lust of men. she has always improved herself and managed her household well, not forgetting his duty as a servant of God and as a wife. The work done is not the work that the majority of men do. The work of the woman is not a vain work but brings benefits in the family.

One of the great scholars of Al-Azhar, Sheikh Mutawalli As-Sha'rawi explained that women can have a career as long as they meet the requirements, including obtaining permission from both their father and husband to do appropriate work with the duties of a woman and halal, for example, being an educator for students, or being a nurse who handles exclusively female patients. Not to be confused with men other than the mahram. It does not apply tabaruj and show jewelry that can bring slander 18.

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18 Mutawalli As-Sya'rawi, *Fiqih Perempuan (Muslimah)* (Jakarta: Amzah, 2005), 141.
The basic duties of a woman that must be prioritized are taking care of the household, caring for the family, educating children, and serving the husband. Islam does not prohibit women from working. Therefore, the woman should be able to manage her time in all matters related to her work and also be able to take care of her household so that both responsibilities can be carried out.

Women who only prioritize her career will affect the development and education of children, it is natural that many things happen that are not expected, such as switching between teenagers and inter-school, drug abuse, liquor, theft, rape, and so on, if this is not addressed immediately, it will harm children and society. This must be admitted, even if it is not comprehensive for every woman who makes a career. As a result of the lack of harmonious communication between mothers and their children has an effect on the social rift. Then the children think less attention by both parents, resulting in the erosion of ethics towards both parents. In general, this is due to the fact that the child feels no coolness and comfort in his life so that his soul rebels. As a release of his aridity, finally they act and act arbitrarily, without regard to the norms that exist in the community.

A career wife may do any activities outside the household as long as she does not forget her nature as a wife, because the duties of mother and wife can not be replaced by a maid, especially with regard to the issue of education and attention to children which will result in loss of love and attention from her parents. as a result, children become naughty and seek attention in the community by making noise and behaviors that disturb the local community.

In Islamic law the main duty of a woman is at home, such as tidying up the house, taking care of the children, because there are many verses and also hadiths of the Prophet about it. In Islamic Guidance, a woman may become a career woman or work outside the house as long as her work is appropriate. Appropriate work is a work which is done by using hands or various work equipment as long as the work is permissible, in accordance with the Shari'ah, and does not cause damage to religion.

If we examine the involvement of women in the field of work in the early days of the islamic development, it can be said that Islam allows women to do activities in various fields. Women may engage in various sectors, both inside and outside the house independently or with others, with government and private institutions, as long
as the work they do is done in a respectable, polite, and able to maintain religion and avoid the negative impact of the work that they practice both on themselves and the environment.\(^\text{19}\)

In Islamic teachings women are allowed to work as long as they can maintain their purity and honor. This is as has been practiced in the time of the Apostle where women since the time of the Prophet have held their public role in society. The work and activities carried out by women during the time of the Prophet were quite diverse.

During the time of the Prophet Muhammad saw, women have many activities in various jobs such as Umm Salim bint Malhan became a bridal makeup and some even work as nurses or midwives. Khadijah bint Khuwailid the wife of the Prophet became a very prominent and successful merchant in the field of trade. In addition, Qilat Ummi Bani Anmar was recorded as a woman who asked the Prophet for guidance in terms of buying and selling. Siti Khadijah who was the wife of the prophet is a wealthy merchant and because of her success, she was able to send her trade expedition to the neighboring country. This history can be the foundation of the law for working women. Beside Khadijah, the wives of the companions also joined her husband to work such as Zainab, the wife of Abdullah bin Mas'ud, even works in a spinning place so he is obliged to pay zakat mal (wealth).\(^\text{20}\)

Thus, it can be understood that the law of a woman who work outside the house is mubah, as long as the woman still maintains her nature as a woman, housewife and wife. But the law can change becomes haram if women neglect their main duties. However, if women put the appropriate roles and functions then it is not a problem in their career. So, a woman who has a career must consider the main tasks that she carries in the household as a housewife must be her priority.

**THE PERIOD OF IDDAH AND IHDAD OF A WOMAN WHOSE HUSBAND DIED AND ITS PROVISIONS**

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In Islamic law a woman whose husband died must carry out the period of iddah. This is in accordance with the decree that Allah has set in the Qur’an surat Al-baqarah verse 234 that the woman whose husband died must perform iddah for four months and ten days \(^{21}\). In addition, the teachings of Islam have also established provisions that should not be violated by women while in the conditions of iddah. It is forbidden to marry and leave the house. In verse 234, Allah explains explicitly about the iddah of a woman whose husband died namely the period of her Iddah four months and ten days. But not with ihdad because the verse only specializes in iddah.

Thus, to know the period of ihdad, a woman needs to study it in the hadith. because the function of hadith is to explain the purpose of the Qur’an. It is necessary to examine in the hadith relating to ihdad a woman whose husband died. As for the hadith against ihdad narrated by Bukhari and Muslim where it is mentioned that a woman whose husband has died must perform ihdad within a period of four months and ten days.

Although Allah SWT does not mention the provisions of ihdad in the Qur’an, but when the messenger of Allah ordered a woman to perform ihdad due to the death of her husband, of course the law that has been determined is also an obligation set by Allah SWT.” In other words, the legal provisions that have been determined based on the hadith of the Prophet (PBUH) is applied the same as the legal provisions that have been determined based on the Qur’an.

The provisions that must be avoided by women who are in the period of iddah according to the Muslim scholar are \(^{22}\):

1. Wearing fragrances that can increase male orgasm except just to eliminate body odor either in the form of toiletries or perfume.
2. Wearing jewelry, except within reasonable limits, a mourning woman is encouraged not to wear gold such as rings and others. Preen with jewelry even if only a ring of gold or silver, or silk even though black. Some Shafi’i scholar

\(^{21}\) Departemen Agama RI, Al-Qur’an Tajwid Dan Terjemah (Bandung: CV. Penerbit Dipoangoro, 2010), 38.
such as hajar at-tahalli allows wearing gold and silver. While the Hambali scholar allows wearing white silk because this is something ordinary.

3. Decorating yourself, either on the body, face or colored clothes. In this state of mourning, a woman is obliged to abstain from actions related to embellishment such as wearing henna (henna) and others. Women are also forbidden to be adorned to wear good clothes that seem luxurious like a lot of decorated clothes. They are encouraged to wear only clothes that have no element of decoration until the end of iddah period (Al-fauzan, 2006). However, women in mourning can dress neatly, comb their hair, cut their nails because if they let their bodies and clothes get dirty unkempt, do not cut their nails, and do not comb their hair during the mourning period, those all are among the customs of ignorance people.

4. Overnight outside her house.

These laws and regulations will certainly be a confusion for women who have a career outside the house with various professions which are then subject to the obligation to have iddah and ihdad whether prohibition not to preen, wear perfumery, and leave the house. But for a career woman all of it is a must that must be done in order to maintain and improve her career and maintain the source of sustenance for the sake of survival. But the law that God has decreed for his servants is certainly good in it.

THE HISTORY OF THE APPLICATION OF ISTILAHI METHOD AND ITS LEGALITY IN THE LAW OF ISTINBAT

1. History of the application of the term method in the law of istinbat

In estimating the law, the ushul fiqh expert uses several methods to reveal the laws of the sacred texts. The method is called bayani method, ta’lili and istilahi. In particular the method of istilahi also called the reasoning of istilahi which means excavation efforts of the law which rests on the principle of the principle of the benefit of that deduced from the qur'an and hadith. This method is also termed as the method of maslahah and is often also referred to as maslahah mursalah. This is linguistically or
etymologically means benefit and Good. The naming of istilahi method with maslahah method because this method sets the law on problems that are not explained by nas and ijma’ by basing on the maintenance of al-maslahah and the emphasis on aspects of benefit.

The use of istilahi method in creating the law is inseparable with the Maqasid of Sharia, namely the purpose and objective of sharia or Islamic law. The purpose of Sharia can be found when analyzed verses of the Qur'an and hadiths. When God commands to do something, there is wisdom, so when God commands to leave something, there is also wisdom behind it all. As for the main essence of Maqasid Sharia is to achieve goodness or gain benefits, it can also be said to achieve benefit. According to the scholars of jurisprudence in the Qur'an and hadith there is a purpose of Allah command the law that is to create benefit for mankind both in this world and in the hereafter and to eliminate harm.

It is understood that Allah has made Islam as a religion that brings benefit to his servants both in this world and in the hereafter. For example, Islam gives remission for people who travel in long distances to pray, that is, to summarize the number of raka’at of four prayers into two raka’at, or it is also permissible to collect two prayers at a time, this law contains the wisdom of avoiding difficulties (masyaqqah). Likewise, remission for the sick and the traveler is allowed not to fast in Ramadan and replace it at another time. The given of remission aims to eliminate difficulties. The difficulties are relative based on situation and condition of each people. But there is a wisdom for mukallalaf to gain benefit and rejecti the damage. Then a reasonable Islamic Law is enforced based on the principles of general jurisprudence, namely “Dar ul mafasid, jalbul maṣaliḥ that resists the damage and again benefits.

The method of maṣlaḥah mursalah this has actually been practiced by the companions of the Messenger of allah peace be upon Him in resolving any problems that arise in their period, for example the attitude of Abu Bakr to collect the Qur’an on the proposal of ‘Umar bin khaṭṭab, Umar ibn khaṭṭab propose to Abū Bakr to collect the Qur’an. The reason is because many of memorizers of Al-Qur who martyred on the battlefield, which feared the loss of memorizers of Al-Qur. In the beginning Abu Bakr

refused, because the Prophet never did it, but with consideration for maslahah that is to keep the quran from extinction because of the death of a large number of the companions who memorized Quran, then Abu Bakar agreed. If it is examined then it can be found many other problems that arise in the time of the companion solved by the method of Maslahah Al-Mursalah 24.

Furthermore, the appointment of 'Umar ibn Khattab as caliph by Abu Bakr before he died, the establishment of governing councils by 'Umar Ibn Khattab and the termination of the punishment of cutting hands on theft in the lean season. Another example is Umar bin Khattab ordered the rulers to separate personal wealth from property obtained from his power. The separation of property aims to motivate the rulers to perform their duties for the better and to be prevented from manipulating or doing things that are not lawful.

Thus, it can be understood that the benefit for mankind is always actual that will never end. If there is no Islamic law which is based on the maslahah of human-related new maslahah that continues to grow, then the formation of the law only based on the principle of maslahah which get shar'i acknowledgement, so the formation of the law will be stopped and the benefit to the need of mankind at any time, period and place will be neglected.

2. Legality of the istilahi method according to scholars in istinbath of the law

The istinbath istilahi method is also referred to maslahah method. This is because the istinbath istilahi method is a way of establishing law on issues that are not explained its law by nash 25. However, it cannot be denied that among the scholars there are different views on the legality of the method of istilahi or maslahah and its hujjah in the realm of Islamic law because some of them are accept and some of them are reject. Imam Malik and adherents of the Maliki school are groups that use the method of maslahah as one of the methods of ijtihad. In addition, Imam Muhammad Abu Zahra stated that Imam Malik and his followers are the school that voiced the

method of istinbat istilahi which is often referred to Maslahah Mursalah as a legal proposition and argument Syar’iyyah.

The Maslahah method is also used by Hanabilah scholars. In addition, according to Imam Syatibi the existence of Maslahah Mursalah and its quality is qat‘i, although in practice it is zhanni (relative) 26. According to Hanafi scholars, there are differences in view of the legality of maslahah mursalah. Al-Hamidi said most Hanafi scholars do not practice maslahah mursalah, Ibn Qudaimah on the contrary said, some of the Hanafi scholars use Maslahah Mursalah as a method of istinbat, when compared to these two opinions, the opinion of Ibn Qudaimah is more appropriate because of the proximity of the method of maslahah with istihsan practiced by Hanafiah scholars.

The same thing also happens in the Shafi‘iyyah School of scholars, that there are different views on the application of maslahah mursalah as one of the methods of legal istinbat. In the book of Al-bid, Ibn al-Hajib and Al-Amidi said that Shafi‘iyyah scholars do not use Maslahah Mursalah as istinbat method, this is because imam Shafi‘i never mentioned the method of maslahah in the book of Al-Ris, 27. However, Al-Ghazali stated that imam Shafi‘i in stating the law had used Maslahah Mursalah. However, Imam Shafi‘i uses maslahah in the form of qiyas. In addition, it cannot be denied that there are scholars who do not use Maslahah Mursalah even reject immediately such as the school of Zahiriyyah, even the school of Zahiriyyah strongly opposed the method of istinbat Maslahah.

Likewise, some scholars kalam of Mu'tazilah group and Shi'ah scholars also reject the use of Maslahah Mursalah in instinbat of law. The following is an explanation and argumentation of the scholars of ushul who reject and accept maslahah mursalah as one of the istinbat methods.

1. The people who say Maslahah Mursalah as one of the istinbat method argue that:


a. There is a taqrir of the prophet against the attitude of Mu‘az bin Jabal who do ijtihad using al-Ra’yu when there was not Quranic verses and Hadith in resolving legal cases. Ijtihad is used based on the power of reason that refers to maslahah. This case became the basis of ijtihad in making the law using the method of maslahah because the prophet at that time did not ask Mu‘az bin Jabal to strengthen his argument by seeking Nash's support.

b. There is a practice of the companions who use Maslahah Mursalah, as initiated by a friend named Abu Bakr and can be accepted by other companions without blaming each other. The relation in this case is like, the collection of the Qur’an in the form of a mushaf which is affected by the death of the memorizer of the Qur’an and it is feared that the Qur’an can be lost. The gathering of the Qur’an in the form of a single mushaf is solely for the sake of benefit, although the initiative has not been practiced in the time of the Prophet so there is no prohibition. The use of maslahah mursalah by the companions is not based on any argument. This identifies that the use of maslahah is in accordance with the maqasid sharia, it must be practiced in order to achieve the objectives of maqasid sharia. So leaving aside maslahah means to have left aside the maqasid sharia, of course it is unacceptable and considered void. Thus, using the maslahah in stating the law is a must.

c. A question that focuses on the benefit and the real benefit in the matter and in accordance with the intention of the law maker (Syari’), then the use of maslahah in resolving the issue has fulfilled the purpose of Syar‘i, although there is no evidence to support it. If it is not based on maslahah in establishing a benefit in the wisdom of the law, then it can miss the purpose intended by Syar‘i. Thus, in the use of Maslahah can not violate the principles that have been set by the syara’.

d. The purpose of Islamic law is to achieve benefit and reject the inconsistency in the life of mankind. The benefit will continue to develop in accordance with the times, along with the development of the times, the benefit will also continue to change in accordance with the changing times, situations and conditions. So, if the benefit is not responded in accordance with the needs and demands of the time and only hold to the evidence, of course, the benefit of it will disappear from the life of mankind.

2. The group who says that Maslahah Mursalah is not included in one of the istinbat methods argues that:
   a. If the Quran has a proof of the truth, then it is a part of the qiyas. If there is no evidence that supports the truth, then it is not possible to name it as maslahah. So, when practicing maslahah that is not supported by the proposition of syara’, indirectly admitted the weaknesses and shortcomings of the Qur’an and the Hadith of the Prophet.
   b. Practicing maslahah without being based on nash will certainly lead to the practice of laws that follow the will of the heart and lust.
   c. The use of maslahat in ijtihad without referring to nash will lead to the emergence of a free attitude in installing the law that will cause someone to be wronged because of the law. Of course, this has violated the principles of the establishment of the law in Islam, that is, it should not be corrupted, and nothing should be corrupted.
   d. The ability to istinbat the law with a maslahah that does not receive the nash support, will certainly open up opportunities for changes in Islamic law due to the reason for the change in the place and time of the enactment of the law of syara’. Thus, it causes uncertainty of the law.29

If it is analyzed the differences in views based on the arguments of each of the two groups among the scholars, namely those who accept and reject the method of istinbat Maslahah in doing ijtihad, there seems to be no difference in principle. Those

who do not accept it, do not accept it absolutely and even require it with some strict requirements. And those who reject it are afraid of the possibility of slipping into error if they set the law according to their will and follow their desires. If this fear could be avoided, for example, the similarity of perception with the principle of origin, would certainly use Maslahah in istinbat of law.

The use of Maslahah in creating laws also has limits on its use, which can only be used for zhanni issues such as muamalah and customary issues. While in the case of worship the maslahah method cannot be used. This is because the maslahat is based on the consideration of reason about the good or bad of a problem, of course reason does not have the competence to measure the problem of worship. In addition, all matters relating to the worship of ta'abbudi and tawqifiy, then humans only follow the guidance contained in the Nash as it is and reason is not able to reach it. As the number of raka'ahs of Zuhr prayer is four Rak'ahs and it is done after the sun has slipped, surely the intellect is not able to measure whether it is good or bad. But on the contrary, the problems that occur outside the category of worship are mainly rational so that they can be measured by good or bad sense of the act. Like drinking khamar which is a bad thing because it can damage the mind. Likewise, the sanction of khamar drinkers is a good thing because with it humanity will avoid the damage of reason.

Thus, it can be understood that the istinbat method istilahi or maslahah method is one of the legal istinbat methods that get the legalization of syara’ that should not be ignored. In addition, the istinbat method of law is in accordance with the demands of era and times in solving problems based on the benefit side. Although the istinbat method is not supported by Nash textually, it is substantially needed by mankind, especially in solving problems directly related to current problems.

THE LAW WORKS FOR CAREER WOMEN WHO ARE LEFT DEAD BY THEIR HUSBANDS DURING THE PERIOD OF IDDAH AND IHDAD ACCORDING TO THE TERM METHOD

The istilahi method is used in an effort to extract laws that rely on the principle of benefit deduced from the Qur’an and Hadith. This method is used to find the law of a problem based on maslahah for every benefit that is not in the nas directly. In this case, including legal cases work for career women who carry out iddah and ihdad due to being left dead by her husband. The Qur’an and Hadith do not directly explain the law of working for women who carry out iddah and ihdad caused by the death of her husband.

Many women who are left dead by their husbands work today to provide for their own needs or to help the family economy, so they have demanded that widows must break the rules of iddah period and be forced to carry out ihdad. This condition certainly requires legal consideration in terms of benefit to career women who are widowed. This case requires a lot of legal consideration, because at the same time a woman must complete her duties in fulfilling household obligations, become the backbone of the family, as a substitute for her deceased husband, as well as in the condition that the woman has to carry out iddah and ihdad.

In the Ihdad period a career woman who is a widow because was left dead by her husband is not allowed to preen or beautify herself and still have to live in the house. The career woman at the same time must also undergo the period of Iddah and Ihdad, but on the other hand is also required to earn a living and this must be prioritized and a priority because for the survival of herself and her children because there is no longer who shoulder their livelihood.

In this case, when it is analyzed using maslahat approach, there are certainly problems that need to be solved, because when reviewed in the case there is a mafsadah. In this case, there are two mafsadah that appear. First, leaving the prohibition of ihdad is a mafsadah in Islam, because it has abandoned the command of the religious teachings that should be carried out. Second: the one that is more dangerous than the first one is the family or children of women who are left dead by their husbands in distress and hunger because there is no one to fulfill their needs anymore. So, in these situations and conditions, the way out taken by career women
although in a forced state of course by making a living outside the house by leaving ihdad because there is no other solution. In this case, if there are two mafsadah, one of them must be eliminated. This is in accordance with the rules of jurisprudence

إذا تعارض مفسدان رعي أعظمهما ضرأ بارتكاب أخفهما

It means "when there are two different mafsadah, then consider which one is the greatest harm by choosing the lighter harm" 33.

Based on the rules of jurisprudence, it can be ascertained that a career woman who died her husband may leave the house to earn a living to meet all needs, for the survival of her family or children. As for the purpose of leaving the house here, which is to earn a living to eliminate hardship and hunger because there is no one to fulfill her needs after her husband's death, this attitude certainly contains greater benefit when compared to taking an attitude to stay at home. Because by staying at home will make it difficult for career woman who has the status of the widow as well as family or child borne. In this case, it can be ascertained that the harm caused by the attitude of choosing to stay at home is greater than the harm caused by choosing to leave home to work. So, in this case getting out of the house to work is preferred and a priority than staying at home to perform ihdad.

In addition, carrying out iddah is an order and a maslahah, but if there is no one to pay for a woman who has just died her husband, her family and children, certainly the survival of the woman and her child is in a threatened condition and this is a mafsadah. In this case there are two things that are contrary to the one side of the maslahah and the other side of the mafsadah. In this case, it is necessary to refer to the following rules of jurisprudence:

ذرء المفسد مقدم على جلب المصالح

It means: “preventing harm is better than bringing good”.

working for a living outside the house in order to avoid distress and hunger is preferable to running the iddah period and not making a living just to stay in the house so as not to rule out the possibility of bringing distress and hunger. Of course, preventing herself, her family and children from feeling distress and hunger is preferable when compared to just staying at home even though it is a good thing but it

brings distress and hunger. This is because there is no other source of livelihood in the form of a living other than the living of a career wife even though she is undergoing the period of iddah and ihdad due to the death of her husband. Thus, it can be understood that it is permissible for a career woman who has died her husband to work even in the period of iddah, this is because it is to prevent the occurrence of hardship and hunger. This is in accordance with the rules of jurisprudence above that prevent the mischief is better than to bring good.

The other prohibition of iddah for women who have died is the prohibition of adornment. A career woman who has died her husband should refrain from beautifying herself, because it is a prohibition for a woman whose her husband died. But on the other hand, the workplace of a career woman whose her husband requires employees or employees to beautify herself or make up. Then the career woman whose her husband died must also be beautified herself because it is a requirement to be able to enter the work.

The position of a career woman whose her husband died in this condition is very precarious condition, on the one side cannot adorn because it is a prohibition for women who carry out iddah because the husband died. But on the other hand, it is required to adorn because it is a condition for entering work. In this case to solve this case must necessarily refer to the rules of jurisprudence that can be used to find a solution that is:

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Meaning ""something forbidden by the Shari'ah can be allowed when in an emergency "". 34

In the provisions of ihdad, career women who are still in the period of iddah because her husband died are prohibited from adoring when entering work. The Prohibition of adoring is a religious teaching that must be implemented but will be a barrier to work because without adoring the work that is being practiced will be lost so that he cannot fulfillthe needs of the family and their children again which will lead to the threat of the welfare of their family life. Of course, this condition will harm the career woman and her family because there is no longer anyone to fulfill the need.

These considerations are the reasons that should be prioritized in this case. Thus, the prohibition of embellishment did not apply to career women at that time. In other words, it is permissible for a career woman to adorn when working in iddah conditions because her position is in an emergency condition. However, if the adorning is not a requirement at the time of work, then the prohibition on the adorning of the career woman still applies. Although the purpose of the prohibition to adorn so as not to attract the attention of others besides it aims to fulfill the obligations of the iddah period commanded by Allah swt. Thus, it can be understood that the conditions for work with adorning herself become a certain condition for career women can be categorized as an emergency.

The emergency in this condition must be measurable because they cannot be categorized as emergencies if they cannot be measured. To measure the level of emergency, in this case using the following rules of jurisprudence:

maalih li l-usurance bi madarrah

Meaning: "what is allowed because of an emergency is measured according to the degree of harmfulness.

In this case, the wife works because it is caused by the death of the husband even though he is undergoing iddah and ihdad. The death of the husband is the cause for the wife to work because the work is done to fulfill the needs of her life, children and family. This is because, the wife who died her husband did not earn a living anymore, then had to leave the house in order to meet the needs of his life, especially having children and family which is her responsibility. These conditions are the reason for a career wife to continue working even though she is undergoing iddah and ihdad to avoid distress and hunger. This case when analyzed in depth is closely related to the Maqasid of Sharia even in Islamic law will enter the Maqasid of Sharia.

In Maqasid Sharia there are five important elements that are the mission of Maqasid Sharia itself. The five elements or five missions must be maintained to ensure the realization of the benefit of religion, soul, reason, offspring and property. The five maqasids are in three levels, namely daruriyyah, hajjiyah and tahsiniyyah.3536

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Related to the case of the career wife, in relation to the Maqasid of Sharia which is in the form of maintaining the soul. In this case, it is closely related to one of the missions of Maqasid Sharia which aims to maintain the soul, namely the obligation to meet basic needs in the form of food in order to maintain life. If the basic needs cannot be fulfilled, it will cause the existence of the human soul to be threatened. Keeping the soul of the law is mandatory and this is classified into the category of dharuriyyah. As for those who belong to the category of hajjiyah in terms of maintaining the soul in the form of advice to consume halal and nutritious food. If this provision is neglected, the existence of the human soul will certainly not be threatened but only have an impact on the difficulties of life. The level of tahsiniyyah in maintaining the soul is only in the lecturers of good eating and drinking procedures. This rule is only related to ethics or decency. If it is not implemented, Of course the existence of the human soul will not be threatened or complicate life. Thus, it can be ascertained that the level of *dhurarut in* the case of the wife working in the conditions of the period of iddah and iddah caused by the death of the husband is at the level of dharuriyyah.

In relation to the above, it can be understood that human benefit will always change and increase in accordance with the situation and conditions of the times. Along with the changing times, the pattern of fulfilling the needs of life is also shifting and changing. Various ways in achieving the needs of life will be pursued by a woman whose her husband died as long as it does not collide with Islamic law to avoid the threat of the soul. In such conditions, *istilahi* method is one of the appropriate *ijtihad* methods used to solve cases of working women caused by the death of their husbands. If the problem is not considered, then many human benefits will be neglected and Islamic law will decline.

CONCLUSION

A career wife in the condition of iddah and ihdad due to her husband's death may leave the house to earn a living for her survival, or her family and children. Staying at home in the conditions of iddah and ihdad can cause greater harm, then leaving home to work is preferred over running the iddah period. Working can prevent his family and children from distress and hunger. A wife who is carrying out the iddah period due to the death of her husband and bound by an employment contract with a company or agency, then it is allow for her to leave the house to continue working because it is considered a necessity. But still have to keep his nature as a woman who is undergoing iddah and ihdad. The level of dharurat (emergency) in the case of the wife working in the conditions of the period of iddah and iddah caused by the death of the husband is at the level of dharuriyah.

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