

**IMPLEMENTATION OF *IHDAD* FOR WOMEN OF DIED HUSBANDS IN  
PAKONG DISTRICT PAMEKASAN REGENCY**

**THESIS**

**By:**

**Khairiyatin**

**SIN 18210006**



**ISLAMIC FAMILY LAW DEPARTMENT**

**SHARIA FACULTY**

**STATE ISLAMIC UNIVERSITY MAULANA MALIK IBRAHIM OF  
MALANG**

**2021**

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MALANG**

**2021**

## STATEMENT OF THE AUNTENTICITY

### STATEMENT OF THE AUNTENTICITY

In the name of Allah,

With consciousness and responsibility toward the development of science, the writer declares that thesis entitled:

#### IMPLEMENTATION OF IHDAD FOR WOMEN OF DIED HUSBAND IN PAKONG DISTRICT PAMEKASAN REGENCY

Is truly writer's original work which can be legally justified. If this thesis is proven result of duplication or plagiarism from another scientific work, it as precondition of degree will be stated legally invalid.

Malang, 29 December 2021

Writer,



Khairiyatin  
SIN 18210006

## APPROVAL SHEET

### APPROVAL SHEET

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#### IMPLEMENTATION OF IHDAD FOR WOMEN OF DIED HUSBAND IN PAKONG DISTRICT PAMEKASAN REGENCY

The supervisor stated that this thesis proposal has met the scientific requirements to be proposal and to be examined on the Assembly Board of Examiners.

Malang, 22 November 2021

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## LEGITIMATION SHEET

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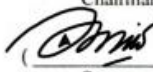
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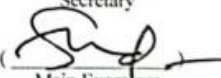
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## MOTTO

يَا أَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ وَاتَّقُوا اللَّهَ رَبَّكُمْ لَا تُخْرِجُوهُنَّ مِنْ

بُيُوتِهِنَّ وَلَا يُخْرَجْنَ 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 (Muslim) divorce women, divorce them for (the commencement of) their waiting period and keep count of the waiting period, and fear Allah, your Lord. Do not turn them out of their (husband's) houses, nor should they (themselves) leave (during that period) unless they are committing a clear immorality. And those are the limits (set by) Allah. And whoever transgresses the limits of Allah has certainly wronged himself. You know not; perhaps Allah will bring about after that a (different) matter.

(At-Thalaaq verse: 1)

## ACKNOWLEDGMENT

*Alhamdulillah Rabbil Alamin*, Gratitude for His grace and guidance so that the writing of thesis entitled “Implementation Of Ihdad for Women Of Died Husband in Pakong District Pamekasan Regency” could be finished well. We offer prayers and greetings to the Prophet, *Sayyidina wa Maulana* Muhammad SAW, who gave us *uswatun hasanah* which guided us from the darkness era of ignorance to an era full of knowledge and light of Islam. By always following him, may we be included in his people’s ranks and belong to those who are fortunate to receive his intercession. Amen.

The author is aware that working on this Final Project / Thesis can be completed with all prayers, motivation, guidance, and assistance from various parties. Therefore, with great humility, the author would like to thank you profusely to:

1. Prof. Dr. H.M. Zainuddin, MA, as the Rector of the State Islamic University Maulana Malik Ibrahim of Malang
2. Dr. Sudirman, M.A, as Dean of the Sharia Faculty of the State Islamic University of Maulana Malik Ibrahim of Malang.
3. Erik Sabti Rahmawati, M.A., M.Ag, as the Head of Islamic Family Law Department, Sharia Faculty of The State Islamic University Maulana Malik Ibrahim of Malang.
4. Ahmad Wahidi, M.HI as my thesis supervisor. Thank you for your time, knowledge, suggestion, correction, and guidance during the preparation of this final project. The author apologizes to him if all this time, it is troublesome and disturbs his time whenever the author experiences difficulties. May Allah SWT repay all of his kindness, and may he and his entire family always get health and happiness in this world and the hereafter.
5. Abdul Aziz, M.HI. as supervisor lecture of the writer during his study at Islamic Family Law Department of Sharia Faculty of The State Islamic University Maulana Malik Ibrahim of Malang.

6. All lecturers and Staff at Sharia Faculty of the State Islamic University Maulana Malik Ibrahim of Malang who have provided learning to all of us. With sincere intention, May all of their charity be part of worship to get the pleasure of Allah SWT.
7. All of my beloved Family, my father H. Hosnol Chotim, my mother Khalifah, my older sister Sulfiyah, my brother in-law Abu Bakar, who have always been giving the author a big support and love all the time.
8. All of the BTS members who have always encouraged and supported the author when she is down, who have always accompanied the author, and who have always made the author laugh all the time.
9. All of my friends in International Class Program (ICP) of 2018 and all my friend in HKI A Class, thank you for being my companion in arms from the beginning to the end of the semester. Especially my closest friend Dian Apipa and Lilik Indra.

With the completion of this thesis report, the hope that knowledge which we have gained during our studies can provide the benefits of life in the world and the hereafter. As a human who has never escaped fault, the author is very hopeful for the forgiveness, criticism and suggestions from all parties for future improvement efforts.

Malang, 07 Desember 2021

Khairiyatin,

18210006

## TRANSLITERATIONS GUIDENCE

### A. Consonant

Arab	Latin	Arab	Latin
ا	A	ط	Th
ب	B	ظ	Zh
ت	T	ع	'
ث	Ts	غ	Gh
ج	J	ف	F
ح	H	ق	Q
خ	Kh	ك	K
د	D	ل	L
ذ	Dz	م	M
ر	R	ن	N
ز	Z	و	W
س	S	هـ	H
ش	Sy	ء	'
ص	Sh	ي	Y
ض	DI		

### B. Vocal, long-pronounce and diphthong

Vocal *fathah* = a

Vocal *kasrah* = i

Vocal *dlomah* = u

Long-vocal (a) = Â e.g. قال become Qâla

Long-vocal (i) = Î e.g. قيل become Qîla

Long-vocal (u) =  $\hat{U}$  e.g.  $\hat{u}$  دون become Dûna

Diphthong (aw) =  $و$  e.g. قول become Qawlun

Diphthong (ay) =  $ي$  e.g. خير become Khayrun

### C. Ta' marbuthah (ة)

Ta' marbûthah translited as “t” in the middle of word, but if Ta' marbûthah in the end of word, it translited as “h” e.g. الرسالة المدرسة become *alrisalat li al-mudarrisah*, or in the standing among two word that in the form of mudhaf and mudla ilaih, it transliterated as t and connected to the next word, e.g. في رحمة الله become *fi rahmatillâh*.

### D. Auxiliary Verb and Lafadh al-Jalâlah

Auxiliary verb “al” (ال) written with lowercase form, expect if it located it the position and “al” in lafadh al-Jalâlah which located in the middle of two or being or become *idhafah*, it remove frome writing.

- a. Al-Imâm al-Bukhâriy said...
- b. Al-Bukhâriy in muqaddimah of his book said
- c. *Masyâ Allah kâna wa mâ lam yasya 'las yakun.*

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## ABSTRAK

Khairiyatin, 18210006, 2021. Implementasi Ihdad Bagi Wanita Yang Ditinggal Mati Suami Di Kecamatan Pakong Kabupaten Pamekasan. Skripsi. Jurusan Hukum Keluarga Islam. Fakultas Syariah. Universitas Islam Negeri Maulana Malik Ibrahim Malang. Pembimbing: Ahmad Wahidi, M.HI.

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### **Kata Kunci: Ihdad, Wanita Yang Ditinggal Mati Suami, Iddah, Implementasi**

Adanya pandemi di Indonesia mengakibatkan banyaknya korban meninggal dunia, tak luput juga di daerah Kecamatan Pakong yang juga tersebar wabah Covid-19 ini. Bagi mereka yang kepala keluarganya terjangkit wabah Covid-19 ini kemudian meninggal, maka istri mau tidak mau harus mengganti posisi suami menjadi kepala keluarga. Namun, selain memiliki kewajiban untuk mencari nafkah menggantikan sang suami, istri masih memiliki kewajiban untuk melaksanakan iddah dan ihdad selama masa selama 4 bulan 10 hari. Maka dengan demikian, istri memiliki lebih dari satu kewajiban dalam satu waktu. Tujuan dari penelitian ini adalah untuk mendeskripsikan tingkat pemahaman wanita yang ditinggal mati suaminya tentang Ihdad di Kecamatan Pakong, serta menganalisis bagaimana ihdap tersebut diimplementasikan.

Penelitian ini termasuk jenis penelitian empiris yang menggunakan pendekatan kualitatif, sumber data yang digunakan adalah sumber data primer dan sekunder. Sumber data primer berupa hasil wawancara yang dilakukan bersama para wanita yang ditinggal mati suaminya di Kecamatan Pakong. Sumber data sekunder berupa data kepustakaan yang berkaitan dengan ihdad ataupun berkaitan dengan teori implementasi, serta undang-undang dan jurnal yang sesuai dengan tema pembahasan.

Hasil dari penelitian ini menunjukkan bahwa tingkat pemahaman tentang ihdad bagi wanita yang ditinggal mati suaminya di Kecamatan Pakong dipengaruhi oleh faktor pendidikan dan juga faktor lingkungan, mengingat tidak semua kalangan masyarakat paham dengan ihdad. Terlebih bagi mereka yang tidak menempuh pendidikan formal sebelum menjalani masa iddah. Sedangkan implementasi ihdad yang dilakukan selama menjalani masa iddah. Sehingga implementasi ihdad di Kecamatan Pakong memiliki perbedaan sesuai lingkungan dan juga profesi yang sedang dilakukan.

## ABSTRACT

Khairiyatin, 18210006, 2021. **Implementation Of Ihdad For Women Of Died Husband In Pakong District Pamekasan Regency**. Thesis. Islamic Family Law Department. Syari'ah Faculty. Islamic State University Of Maulana Malik Ibrahim Malang. Supervisor: Ahmad Wahidi, M.HI.

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Keywords: Ihdad, Women Of Died Husband, Iddah, implementation

The existence of a pandemic in Indonesia has resulted in many deaths, not to mention in the Pakong District area, which has also been affected by the COVID-19 outbreak. For those whose heads of families contracted the COVID-19 outbreak and later died, the wife inevitably had to replace their husband's position as the head of the family. However, in addition to having the obligation to earn a living in place of the husband, the wife still has the obligation to carry out iddah and ihdad for a period of 4 months and 10 days. Thus, the wife has more than one obligation at a time. The purpose of this study was to describe the level of understanding of women whose husbands died in Ihdad, Pakong District, and to analyze how Ihdad was implemented.

This research is empirical research that uses a qualitative approach. The data sources used are primary and secondary data sources. The primary data source is the results of interviews conducted with women whose husbands died in Pakong District. Secondary data sources are in the form of library data related to Ihdad or related to implementation theory, as well as laws and journals that are in accordance with the theme of discussion.

The results of this study indicate that the level of understanding of Ihdad for women whose husband died in Pakong District is influenced by educational factors as well as environmental factors, considering that not all people understand Ihdad, especially for those who did not receive formal education before undergoing the iddah period. While the implementation of Ihdad is carried out during the Iddah period, so the implementation of Ihdad in Pakong District has differences according to the environment and also the profession being carried out.

## مخلص البحث

خيرية. رقم القيد .2021.18210006. تطبيق إحداد الزوجة في عدة الوفاة حي باكونج. بحث الرسالة. شعبة الأحوال الشخصية، كلية الشريعة، جامعة مولانا مالك إبراهيم الإسلامية الحكومية مالانج. المشرف: أحمد واحد الماجستير.

### الكلمات الرئيسية: الإحداد، الزوجة في عدة الوفاة، العدة.

قد توفي كثير المجتمع الإندونسي بإيقاع الوباء، خاصة في منطقة فاكوغ الذي يقع فيه الوباء ايضا. ويؤثر الموقع على نيابة مقام الزوج بالزوجة في العائلة لأن الزوج قد توفي بإعداء الوباء. لذا نيابة مقام الزوج وجوب النفقة على الزوجة، لكن دوام الزوجة في عدة الوفاة حول أربعة اشهر و عشر. وتتكون الواجبة المسألة لأنها اى الزوجة في حالة التي لا يجوز عليها خروج الدار إحدادا و عدة على وفاة الزوج. فلهذا غرض الباحث في بحث الرسالة عبارة قمة فهم الزوجة في عدة الوفاة عن الإحداد بموضوع الزوجة في منطقة فاكوغ و تحليل كيفية تطبيق الإحداد فيها اى المنطقة.

واستخدم الباحث طريقة البحث المجالي في تحليل المسألة بمقاربة النوعية. واستنبط الباحث النتيجة كالحجة بإستخدام مراجع الأساسية و الثانوية. وتتكون مراجع الأساسية نتيجة المقابلة بموضوع البحث في المجال، و مراجع الأساسية على المراجع التي تتعلق بالبحث كالقوانين و بحوث الرسالة. وقد دلت ثمة البحث على أن قمة فهم الزوجة في عدة الوفاة عن الإحداد في منطقة فاكوغ تؤثر بخليفة تربيتهن وبيئتهن لأن لا تكون جميع الزوجة فيها تعميقا على فهم كل ما يتعلق بالإحداد. لاسيما الزوجة التي لا تكون في التربية قبل النكاح قطعا. هناك تبينت لنا طبقة فهم الزوجة عن الإحداد متعلقة بتفريق تربيتهن و بيئتهن.

# CHAPTER I

## INTRODUCTION

### A. Background Research

Islam, as it is known, is not only reserved for the ancients and the teachings contained therein. But Islam is also reserved for every human being, as are its teachings, which are also appropriate to the times and circumstances. Modernism has not been an obstacle in the course of the history of Islam to this day. According to Moh. Shohebul Bahri. He say that thoughts, schools, movements, and efforts to change understandings and customs to adapt to new conditions caused by advances in science and modern technology.<sup>1</sup> As quoted by Adrianus Chatib, Harun Nasution also touched on modern society, which is often mentioned as a rational society that has dynamics in context but still has textual value in thinking as well as greater intellectual value.<sup>2</sup> At that time, Islam was also required to be able to pass the obstacles that arose from modern civilization as well as possible without sacrificing one of the parties. So that the arrival of Islam provides benefits and solutions for mankind, not even harming mankind.

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<sup>1</sup> Moh. Shohebul Bahri Pribadi, "Ihdad Bagi Wanita Yang Ditinggal Mati Suaminya Dalam Masa Iddah(Pembahasan Dengan Pendekatan Sosiologis Dan Fiqh Islam)"(skripsi, Universitas Muhammadiyah Malang,2011),1

<sup>2</sup> Adrianus Chatib, "Tradisionalisme Dan Modernisme Studi Tentang Nilai-Nilai Dalam Kehidupan Masyarakat Islam Kota Jambi", *Kontekstualita Jurnal Penelitian Sosial Keagamaan*,no.2(2006): 53

Likewise, Islamic Shari'ah was revealed to the Prophet Muhammad as one of the methods for answering the problems that occurred to Muslims at that time.

<sup>3</sup> This can be seen and investigated by the reason for the revelation of the verse or hadith. This situation can be proven by the existence of *Nasikh* and *Mansukh*, both in the Qur'an and Al-Hadith. As per the fiqh rule, which states that:

تغير الأحكام بتغير الأزمنة والأمكنة والأحوال<sup>4</sup>

Meaning: “*Changes in law depend on changes in time, place and circumstances.*”

From this, it can be seen that the needs of the community continue to develop along with changing times and circumstances, but the text will never change, just as the text is limited, but the universal values contained in the text will remain the answer to every incident. The universal value in question is one of *Maqashid al-Sharia*, namely benefit.<sup>5</sup>

Ihdad and Iddah are also two of the problems that are often encountered in society. The Qur'an states that women who are abandoned by their husbands must perform iddah for four months and ten days, and Al-Hadith explains the obligation for these women to perform Ihdad during the 'Iddah period. The obligation to

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<sup>3</sup> Moh Shahebul Bahri Pribadi, “Ihdad Bagi Wanita Yang Ditinggal Mati Suaminya Dakam Masa Iddah(Pembahasan Dengan Pendekatan Sosiologis Dan Fiqh Islam),2

<sup>4</sup> Mukhlis Usman, kaidah-kaidah Ushuliyah dan Fiqhiyah”pedoman dasar dalam hukum islam”(Jakarta:Raja Grafindo Persada,1999),145

<sup>5</sup> Moh Shahebul Bahri Pribadi, “Ihdad Bagi Wanita Yang Ditinggal Mati Suaminya Dakam Masa Iddah(Pembahasan Dengan Pendekatan Sosiologis Dan Fiqh Islam)”, 3

perform ihdad for women whose husbands have died is also an agreement by scholars from Hanabilah, Malikiyyah, Shafi'iyah, and Hanafiyah<sup>6</sup> This is stated in the following words of Allah SWT:

وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا لَا يَرِثْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا فَإِذَا بَلَغْنَ

أَجَلَهُنَّ فَلَا جُنَاحَ عَلَيْكُمْ فِي مَا فَعَلْنَ فِي أَنْفُسِهِنَّ بِالْمَعْرُوفِ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ<sup>7</sup>

“Meaning: *And those who are taken in death among you and leave wives behind- they, (the wives, shall) wait four months and ten (days). And when they have fulfilled their term, then there is no blame upon you for what they do with themselves in an acceptable manner. And Allah is (fully) acquainted with what you do.*”<sup>8</sup> (QS. Al-Baqarah(2): 234).

The verse explains how long a woman whose husband dies has to perform iddah for four months and ten days. During the period of 'iddah, the woman whose husband dies is obliged to postpone herself (not decorated, not married) until her iddah period is over. The period of four months and ten days is reserved for those who are not pregnant, while for women whose husband has died while pregnant,

<sup>6</sup> Edi Susilo, " 'iddah dan Ihdad Bagi Wanita Karir" *Al-Hukama*, no. 2(2016),284  
[http://jurnalfsh.uinsby.ac.id/index.php/alhukama/article/download/317/pdf\\_7](http://jurnalfsh.uinsby.ac.id/index.php/alhukama/article/download/317/pdf_7)

<sup>7</sup> QS. Al-Baqarah (2): 234

<sup>8</sup> Ahadi, "Quran surah Al Baqarah 234 (QS 2: 234) in arabic and english translation", 1 juli 2009, diakses pada 27 Januari 2022, [Quran surah Al Baqarah 234 \(QS 2: 234\) in arabic and english translation - Alquran english](#)

the waiting period is until she gives birth to her child. As stated in QS. At-Thalaq:

(65): 4

وَاللَّائِي يَيْسَنَ مِنَ الْمَحِيضِ مِنْ نِسَائِكُمْ إِنْ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ وَاللَّائِي لَمْ يَحِضْنَ ۗ

وَأُولَاتُ الْأَحْمَالِ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ ۗ وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مِنْ أَمْرِهِ يُسْرًا<sup>9</sup>

Meaning: *“And those who no longer except menstruation among your women-if you doubt, then their periode is three months, and (also for) those who have not menstruated. And for those who are pregnant, their terms is until they give birth. And whoever fears Allah- He will make for him of his matter ease.”*<sup>10</sup>

Likewise, the Hadith of the Prophet clarifies the iddah period for a wife whose husband has died and other prohibitions that should not be carried out while the woman is still in the iddah period, such as the prohibition on going out of the house, wearing perfume, dressing up excessively, and so on.

Rules related to Ihdad as well as Iddah are not only found in the Qur'an and confirmed by Al-Hadith alone; the rules related to this are also regulated in the laws and regulations that exist in Indonesia. The compilation of Islamic law as the

<sup>9</sup> QS. At-Thalaq: (65): 4

<sup>10</sup> Ahadi, “Quran surah At Talaq 4 (QS 65: 4) in arabic and english translation”, 1 juli 2009, diakses pada 27 Januari 2022, [Quran surah At Talaq 4 \(QS 65: 4\) in arabic and english translation - Alquran english](#)

basic material of Indonesian state law also regulates iddah and ihdad. This is stated in Chapter XIX, Article 170 of the Compilation of Islamic Law (KHI). Furthermore, Article 11 paragraph (1) of Law No. 1 of 1974 concerning Marriage also regulates the issue of waiting time as a result of the termination of marriage for a woman. As for further provisions, they are regulated in a government regulation in accordance with Article 11 paragraph (2) of Law No.1/19774 concerning Marriage.

Further provisions regulated in the government regulation in question are the waiting time provisions stipulated in the Compilation of Islamic Law (KHI), which was ratified by President Soeharto in 1991 and later ratified by Presidential Instruction No.1/1991. Then came the Decree of the Minister of Religion (KMA) No. 154/1991 concerning the implementation of the Presidential Instruction.

Back to the problems faced by women. The arrival of Islam gave a ray of fresh air to all mankind, especially to women whose status and position had been raised in Islam. But along with the development of the era of awareness, gender equality has an impact on all aspects of life in this modern era, which has more or less affected every circle of society.

According to current reality, there are many women who work outside the home, in jobs ranging from low-level to high-level, such as being a farmer, laborer in local factories, employees in small and large companies, teachers, and many

even sit in government. Some work as policewomen, nurses, flight attendants, and other professional professions. Many of the jobs done by women in Indonesia have entered the public domain, which automatically requires a lot of energy and time and requires them to work optimally and professionally.

They are paid according to an agreed or predetermined work contract in which the women have to work so that they are required to do their job optimally and professionally. If they make mistakes or do work that is not optimal and professional, of course, this can have a bad influence on them, both in terms of cutting salaries and even being threatened with dismissal from where they work.

In relation to the prohibitions for women who are left behind by their husbands, namely the prohibition of preening, wearing perfume may not be a problem for those women who are still unmarried but are still within the normal limits of Shari'ah. However, it is different for women whose husbands have died. They have an obligation to avoid this as long as they are still in the Iddah period. So, what about the women whose husbands died as a result of their careers as career women? On the one hand, they must fulfill the obligation to carry out Ihdad as long as their iddah period has not yet been completed. But on the other hand, they have to fulfill their responsibilities as workers who inevitably have to carry out their work in accordance with the employment contract.

The obstacle that these women face is that when they are already in the work environment, they are still required to work as professionally as possible regardless of the conditions they are currently experiencing. This is due to a misalignment of regulations related to the existing Ihdad Concept. As is known as in the previous explanation in the Compilation of Islamic Law, the concept of Ihdad is regulated for a period of mourning for the departure of her husband, but in positive law, specifically in Law Number 13 of 2003 concerning Manpower, the rights of women whose husbands die are not regulated, unlike in article 82 (1) of Law No. 13 of 2003 concerning Manpower, which contains the right to leave for women who are pregnant and giving birth.<sup>11</sup> The leave rights granted by the government do not include the right of 'iddah leave for women whose husbands have died, so that before the 'iddah period for the women is finished for four months and ten days, they continue to work at their respective institutions.

As we know, Islam makes it easy, not even difficult for humans. The Qur'an mentions this, including:

لا يكلف الله نفسا إلا وسعها<sup>12</sup>.

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<sup>11</sup> Pasal 82, ayat 2, Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan

<sup>12</sup> QS. Al-Baqarah(2):286

Meaning: “Allah does not charge a soul except (with that within) its capacity.”

<sup>13</sup>(QS. Al-Baqarah(2):286).

يريد الله بكم اليسر ولا يريد بكم العسر<sup>14</sup>

Meaning: “Allah intends for you ease and does not intends for you hardship.”<sup>15</sup>(QS. Al-Baqarah(2): 185).

In both verses, they both mention that Islam is not to make it difficult for mankind but to provide convenience so that from all the obstacles and problems that have arisen both in the past and those that arise at this time, the value of universal value As in the previous explanation, the text of the Qur'an can still answer and give confidence to all people.

Judging from the area being studied by researchers, it is still considered a fairly religious area. This is evidenced by data from the Pamekasan Regency Central Statistics Agency in 2020, which states that the number of residents in Pakong District is 38, 118, all of whom are adherents of Islam. <sup>(1)</sup> This was also confirmed

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<sup>13</sup> Ahadi, “Quran surah Al Baqarah 286 (QS 2: 286) in arabic and english translation”, 1 juli 2009, diakses pada 27 Januari 2022, [Quran surah Al Baqarah 286 \(QS 2: 286\) in arabic and english translation - Alquran english](#)

<sup>14</sup> QS. Al-Baqarah(2): 185

<sup>15</sup> Ahadi, “Quran surah Al Baqarah 185 (QS 2: 185) in arabic and english translation”, 1 juli 2009, diakses pada 27 Januari 2022, [Quran surah Al Baqarah 185 \(QS 2: 185\) in arabic and english translation - Alquran english](#)

by Mr. Darut, a staff member at the Pakong District Office, regarding the population data listed in the Pakong District area.

Judging from a large number of existing residents as well as several regulations that regulate and recommend carrying out Ihdad for women whose husbands have died, it raises questions regarding the issue of implementing Ihdad for women whose husbands have died, which is focused on the Pakong District.

As such, the researchers wanted to discuss and want to understand more about Ihdad, so they took the title "**Implementation of Ihdad for Women of Died Husband in Pakong District.**"

## **B. Statement of Problem**

1. What is the understanding of the women of died husband in Pakong District about Ihdad?
2. How is the implementation of Ihdad for women of died Husband in Pakong District?

## **C. Objective Research**

Based on the formulation of the problem described above, in reviewing the discussion to be presented, the researcher has several objectives, including:

1. Describe Ihdad according to the understanding of women of died husbands in Pakong District.

2. Analyzing the implementation of of Ihdad for women of died husband in Pakong District.

#### **D. Benefits of Research**

The results of this study are expected to provide a benefit, so in this case, the researchers divided into two perspectives, namely, theoretically and practically, with the following description:

1. Theoretical Benefits

This research is expected to be able to contribute to adding to the scientific treasures that are useful for the development of positive law and Islamic law, especially in matters relating to the problems of implementing prohibitions (ihdad) for women who are left behind by their husbands during the iddah period.

2. Practical Benefits

This research is expected to contribute to several groups, including:

- a. For the people of Pakong District, it is hoped that they can provide further information and understanding regarding how to carry out Ihdad for women whose husbands died during the Iddah period so that the understanding of the Pakong District community and its surroundings is more maximal and systematic regarding discussions and explanations regarding the implementation of Ihdad for women who are left behind. She

died by her husband, both in the concepts contained in the Qur'an and Al-Hadith as well as in the Compilation of Islamic Law.

- b. Further researchers expect this research to be used as a comparison material, as reference material for further researchers, and as complementary information for someone who wants to discuss this issue further.
- c. For the government, this research is expected to encourage the government's concern for the rights of women who are in the iddah period to obtain compensation and work relief for women whose husbands have died as a form of support for the community, especially for women who are heads of families who are bound to work in public institutions when they are still young. They undergo a period of 'iddah.

### **E. Operational Definition**

The full title of this research is **Implementation Of Ihdad For Women Of Died Husband in Pakong District, Pamekasan Regency**. In the title there are several words and terms that need to be explained in more detail, namely:

**Implementation** : Implementation can be defined as the implementation or application. Browne and Wildasky, defines implementation as an expansion of activities that adjust to each other.<sup>16</sup>

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<sup>16</sup> Nurudin Usman, konteks implementasi berbasis kurikulum (Jakarta: CV Sinar Baru,2005),7

Ihdad : Ihdad is generally known as prohibitions for women who are left behind by their husbands. However, in this study, the researchers focused on the meaning of mourning the death of a husband.

Iddah : Iddah according to the consensus of the scholars is defined as a certain deadline that must be calculated by a woman since she separated from her husband, whether the separation was due to divorce or the death of her husband, and during that time she was not allowed to marry another man.<sup>17</sup>

Pakong : Pakong is one of the 13 Districts in Pamekasan Regency. This district on the island of Madura has 12 villages in it.

## **F. Structure of Discussion**

In order that the preparation of this thesis is directed, systematic, and interconnected with each other, the researchers generally describe the structure as follows:

This research is divided into 5 (five) chapters. The composition of the following chapters is a description of the material that has been written in each chapter, namely:

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<sup>17</sup> Abd Moqsith, “iddah dan Ihdad dalam Islam: Pertimbangan Legal Formal dan Etika Moral”: 139

**CHAPTER I** (first). The introduction contains the background of the problem which describes the problems that occur in the community as the reason for this research. Next is the literature review, research objectives and then the benefits of the research. Furthermore, the description of this chapter is continued by explaining the systematic discussion.

**CHAPTER II** (second). Literature review that discusses the discussion review, which is expected to be an effort as analysis to answer the problems that have been formulated. The sub-discussion in this chapter includes previous research related to the author's thesis theme. The next discussion is about the theoretical framework that contains an overview discussed in the Ihdad problem for women who have lost their husbands.

**CHAPTER III** (third). This chapter is a research method on the implementation of ihdad for women whose husbands died in the Pakong District area. In discussing the research results, it is necessary to first explain the type of research, research approach, data sources, research methods, and data processing methods.

**CHAPTER IV** (fourth). Contains the results of research and analysis that will be presented using data acquisition. From this analysis, an answer will be produced from the formulation of the problem in this study.

**CHAPTER V** (fifth). The closing chapter contains conclusions and suggestions. The conclusion is a brief answer related to the formulation of the proposed problem, which has been analyzed in Chapter IV based on the conclusions of the research results in the form of points. This chapter also contains suggestions that contain academic recommendations for institutions and for researchers themselves.

## **CHAPTER II**

### **LITERATURE REVIEW**

#### **A. Previous Research**

Previous research is considered very important in writing research because it enables one to see the points of similarities and differences between the scientific work being studied and the scientific work of other researchers before. From the literature search carried out in tracking similar studies both in theme and title variables, the researchers found several scientific papers discussing Ihdad for women whose husbands died as follows:

1. Research by Widi Kharisma entitled "Ihdad for Career Women in Islamic Law (Case Study in Yosomulyo Village, Metro District, Metro City Center)" in 2018 who is a student from the Sharia Faculty of the Islamic State Institute of Metro.<sup>18</sup> This research is a research in the form of a thesis that discusses the Ihdad of career women in Islamic law. The type of research used is field research conducted in the yosomulyo village, Metro

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<sup>18</sup> Widi Kharisma pribadi, "Ihdad Untuk Wanita Karir Dalam Hukum Islam (Studi Kasus Di Kelurahan Yosomulyo Kecamatan Metro Pusat Kota Metro)", (Skripsi, Institut Agama Islam Negeri Metro, 2018). <https://repository.metrouniv.ac.id/id/eprint/1961/1/SKRIPSI%20WIDI%20KHARISMA.pdf>

sub-district, Metro city center using an approach in the form of a descriptive approach.

The difference in this study is the difference in the location of the research conducted by Widi Kharisma with the research being conducted by the current researcher. While the similarities contained in it are similar discussions regarding ihdad in Islamic law. And the same type of research. The conclusion presented by Widi Kharisma in this study is that career women in the yosomulyo village, Metro sub-district, Metro city center do not carry out ihdad due to lack of knowledge of women about the law of implementing ihdad.

2. The research conducted by Dita Nuraini entitled "Ihdad for Career Women According to the View of the PSGA Manager IAIN Raden Intan Lampung" in 2018 was one of the students from the Sharia Faculty of Islamic State University of Raden Intan Lampung.<sup>19</sup> This research is in the form of a thesis that discusses ihdad for career women in the view of the manager of the PSGA IAIN Raden Intan Lampung. The research in this thesis is a type of field research using a qualitative approach.

The difference in this study is the difference in perspective taken, from Dita Nuraini's research describing ihdad for career women in the view of the

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<sup>19</sup> Dita Nuraini Pribadi, "Ihdad Bagi Wanita Karir Menurut Pandangan Pengelola PSGA IAIN Raden intan Lampung", (Skripsi, Universitas Islam Negeri Raden Intan Lampung, 2018).  
<http://repository.radenintan.ac.id/3279/1/SKRIPSI.pdf>

manager of PSGA IAIN Raden Intan Lampung, while the research of researchers initiated the concept of ihdad from the compilation of Islamic law in terms of the Labour Laws.

The similarity of the two studies is the similarity of the themes reviewed, namely the discussion of similar ihdad, apart from the similar discussion, the similarity between the two studies is the similarity of the type of research and the approach used.

The conclusion given by Dita Nuraini in her research is that ihdad which is charged to women whose husbands die in Islam is obligatory, while in the view of the manager of the Gender and Child Studies Center (PSGA) UIN Raden Intan Lampung, it is permissible for women whose husbands have died to do activities outside the home such as working. , as long as he knows the limits that should not be done during the 'iddah period has not been completed.

3. Research by Ria Lutfiana entitled "Iddah Leave for Career Women in the View of the Nahdlatul Ulama Management of Malang City" in 2019 was a student of the Sharia faculty of the Islamic State University of Maulana Malik Ibrahim Malang.<sup>20</sup> This research is a thesis that discusses how to take iddah leave for career women using the perspective of the Nahdlatul

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<sup>20</sup> Ria Lutfianah pribadi, "Cuti Iddah Bagi Wanita Karir Dalam Pandangan Pengurus Nahdlatul Ulama Kota Malang", (skripsi, Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2019).  
<http://etheses.uin-malang.ac.id/14893/>

Ulama management in Malang. The type of research used in this study is empirical juridical research or field research, while the research approach carried out by the researcher is through a qualitative approach that focuses on the type of phenomenological approach. Then the source of the data obtained is primary data and secondary data.

The difference in this study is that this study examines the Iddah leave for career women in the view of the Nahdlatul Ulama management in Malang, and the differences in the research approaches used are different. Meanwhile, judging from the similarities with the research being carried out by the researcher this time, both studies discuss the Iddah for women who have separated from their husbands, either separated by divorce or left by their husbands, then the use of the same type of research.

The conclusion given in this research by Ria Lutfiana is that there are different views from Nahdlatul Ulama Malang City who provide an explanation regarding these problems from the religious side and also from the side of positive law in Indonesia that there are several factors that cause it to be contrary to the Shari'ah. and also supporting factors that have also been assessed according to the legal situation in Indonesia.

4. Research by Moh Razali entitled "Method of Determination of Iddah Period for Divorce Perspective of Lawrence M. Friedman's Legal System" in 2020 who is a student of the Masters Study Program Akhwal Asy-Syakhsiyah Postgraduate at the Islamic State University of Maulana Malik

Ibrahim Malang. This research is a research in the form of a thesis that discusses the method of determining the period of iddah for divorce seen from the legal perspective of Lawrence M. Friedman. The type of research used in this study is a type of field research by using an approach in the form of a qualitative approach by presenting data in the form of interviews with field notes and documents obtained by researchers.

The difference in this study is that this research focuses on how the method of determining the period of divorce from the perspective of the Lawrence m Friedman legal system. Meanwhile, in the equation of research by Moh Razali with the research being conducted by the researcher, there are several themes related to iddah which are both discussed in each study. And the same type of research.

The conclusion given by Mohd Razali in his research is the interpretation of the determination of the period of iddah for divorce in the religious court of the city of Malang seen from the theory of Lawrence m Friedman's legal system there are three categories. First, the legal substance, which relates to the regulations governing the divorce issue, is not stated in detail. Second, the legal structure, which relates to two legal institutions, namely the Malang City Religious Court and the Malang Sukun Religious Affairs Office, has not effectively carried out their duties properly. and lastly, legal culture in terms of legal awareness and compliance.

5. Research conducted by Hamzanwadi entitled "The Concept of Male Iddah Perspective of Mublah Faqihudin Abdul Kodir" in 2021 who is a postgraduate student of the Akhwal Asy-syakhsiyyah Study Program, Islamic State University of Maulana Malik Ibrahim Malang.<sup>21</sup> This research is in the form of a thesis that discusses the concept of the male iddah in Mubdalam Faqihudin Abdul Qodir's perspective. The type of research carried out in this study is a type of library research, while the approach used is a descriptive qualitative approach.

The difference between the research conducted by Hamzanwadi and the research being studied by the researcher is the difference in concepts, namely in Hamzanwadi's research examining the concept of 'iddah for men, while the research being conducted by researchers is examining the effectiveness of the concept of ihdad for women whose husbands died during period of 'iddah. The next difference is the difference in the type of research. Each of these studies was conducted using the types of research in the form of library research and field research.

The similarity in the two studies is the similarity of the discussion that does not come out of the 'iddah problem, the second equation is that the approach used is a descriptive qualitative approach.

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<sup>21</sup> Hamzanwadi Pribadi, "Konsep iddah laki-laki perspektif mubadalah faqihuddin abdul kodir", (Tesis, Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2021). <http://etheses.uin-malang.ac.id/25807/>

The conclusion presented by Hamzanwadi in his research there are two conclusions. First, about some of the reasons behind the obligatory Iddah concept for women only. Second, regarding the concept of Iddah for men who use the *Jeremy Bentham utility theory* method and the fiqh rules in the form of *sukut al-syari* which are re-analyzed with the *Mubadalah* perspective by looking at the justice and legal benefits that result, the concept of Iddah for men can be carried out in a *Mubadalah*.

The following is a table describing the similarities and differences between the research being studied and previous research:

**Tabel 2.1**

**Previous Research**

No	Author	Research Title	Similarity	Difference
1.	Widi Kharisma, (Thesis, Islamic State Institute of Metro, 2018)	Ihdad for Career Women in Islamic Law (Case Study in Yosomulyo Village, Metro District, Metro City Center)	Similarity in the discussion of ihdad in Islamic law.  Same type of research and approach.	The difference is that the discussion of the widi thesis is that Ihdad is generally used for women who are undergoing the iddah period, while this research is more specific for women whose husbands die. Then difference

				about research locations from each researcher.
2.	Dita Nuraini, (Thesis, Islamic State University of Raden Intan Lampung, 2018)	Ihdad for Career Women According to the Viewpoint of PSGA IAIN Raden Intan Lampung Managers	the similarity of the theme is about ihdad. similarities in the type of research and the approach used.	The perspective being reviewed is the research from the view of the PSGA Manager IAIN Raden Intan Lampung, while the research belongs to the researcher from the Compilation of Islamic Law.
3.	Ria Lutfiana, (thesis, Islamic State University of Maulana Malik Ibrahim Malang, 2019)	Iddah Leave for Career Women in the View of the Malang City Nahdlatul Ulama Management	Discussion about iddah for women whose husband died.  This type of research is in the form of field research which is equally used in research.	This study examines the Iddah leave for career women in the view of the Nahdlatul Ulama management in Malang.  And the different research approaches used are different.
4.	Moh Razali, (Thesis, Islamic State University of	Method of Determining the Period of Iddah for Divorce Legal System Perspective	There is a theme about 'iddah which is equally discussed.	Razali's research focuses on determining the period of iddah for divorce from the

	Maulana Malik Ibrahim Malang, 2020)	Lawrence M. Friedman	The equation of the type of research used.	perspective of the Lawrence m Friedman legal system.
5.	Hamzanwadi, (Thesis, Islamic State University of Maulana Malik Ibrahim Malang, 2021)	The Concept of Male Iddah from Mubadalah's Faqihudin Abdul Kodir Perspective	discussion of the issue of 'iddah. the approach used is a descriptive qualitative approach.	The difference in concept between Hamzanwadi's research is related to the concept of iddah for men, while the researcher's is about the concept of ihdad for women.

## B. Theoretical Framework

### 1. Theory of Implementation

Simply put, implementation can be defined as the implementation or application. In his book, Usman mentions that implementation, as quoted by Hotijah from Browne and Wildasky, defines implementation as an expansion of activities that adjust to each other.<sup>22</sup> There are many opinions from other experts who mention the definition of implementation, but some of these opinions lead to the meaning of implementation or application.

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<sup>22</sup> Usman, Konteks Implementasi,7

## 2. Merilee S. Grindle's Theory

In Merilee S. Grindle's opinion, the success of implementation is influenced by two aspects of major variables: firstly, the content of the policy and secondly, the context of implementation. What is contained in these variables is the extent to which the interests of the group of means or target groups are represented, the types of benefits received by the group, what kind of changes are desired from a policy, whether the placement is correct, whether a policy has mentioned the implementor in detail, and whether it is also supported by adequate resources.<sup>23</sup>

## 3. The concept of Ihdad in Islam

### a. Defination Iddah and Ihdad

"Iddah" means a calculation or something that is calculated.<sup>24</sup>

"Iddah" is a term for a period intended for women to wait and prevent remarriage after the death of their husbands or separation from them.<sup>25</sup>

The definition of "iddah" is also given by Ahmad Al-Ghundur, who says that "iddah is a period of time determined to wait for the sanctity of the

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<sup>23</sup> AG Subarsono, analisa kebijakan publik (yogyakarta: pustaka belajar, 2011),93

<sup>24</sup> Amir Nuruddin, dan azhari Akmal Tarigan, hukum perdata islam di Indonesia studi kritis perkembangan hukum islam dari fikih, UU No. 1/1974 sampai KHI, (Jakarta:kencana, 2004), 240

<sup>25</sup> Ali yusuf as-Subakti, fiqh keluarga pedoman dalam berkeluarga dalam islam(jakarta: Amzah, 2010),348

influence of the relationship between husband and wife after the wife is divorced by her husband or after her husband's death.<sup>26</sup>

As for Ihdad, which comes from the word *ahadda*, it is sometimes also referred to as *al-hidad*. Etymologically, it means "*al-man'u*", which means "prevention and prohibition." This is also conveyed by Abu Yahya Zakariyya and Sayyid Abu Bakr al-Dhimyati. Meanwhile, according to the terminology initiated by Abu Yahya Zakariyya al-Ansari, it is "to leave wearing clothes that are dyed colors that are intended for jewelry". Judging from the above definition, it can be said that ihdad is linguistically prohibited, while according to the term, it is leaving things that can attract the attention of others, especially the opposite sex, to propose or marry her. This applies to women whose husbands died during the 'iddah period.<sup>27</sup>

#### **b. The relationship between 'iddah and Ihdad**

As we understand, "iddah" is a waiting period for a woman who separates from her husband or is left behind by her husband. Meanwhile, Ihdad itself is a prohibition that should not be carried out by women

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<sup>26</sup> Nuruddin, hukum perdata islam di Indonesia studi kritis perkembangan hukum islam dari fikih, UU No. 1/1974 sampai KHI, 240-241

<sup>27</sup> Muhammad Syukri al-bani Nasution dkk, pelaksanaan ihdad bagi istri yang ditinggal mati menurut mazhab syafi'i (studi kasus di kecamatan percut sei tuan kabupaten deli serdang)*Al-maslahah*, 268-270. <https://jurnal.staialhidayahbogor.ac.id/index.php/am/article/download/968/638>

who are in the iddah period. At least there are some rights and obligations for women who are in their 'iddah.

### c. **History of Ihdad**

Should be noted that Ihdad has been known since pre-Islamic society. In the Jahiliyah era, pre-Islamic society almost never abandoned this custom, but after the arrival of Islam, ihdad was established as a custom. However, there are differences between the ihdad performed by pre-Islamic societies and those after the arrival of Islam. This difference can be seen from the time limit for Ihdad for women whose husband has died. In the era of ignorance, the time limit for Ihdad was one full year. They were not allowed to leave the house until one year had passed, and they were not allowed to wear fragrances, be decorated, or socialize with the community. This is considered a bad habit as well as unreasonable. However, after the arrival of Islam, Ihdad became a habit that was taken for 4 months and 10 days. This is the following hadith of the Prophet Muhammad:

*“From Umm Salamah radhiyallahu anha, it was narrated that there was a woman whose husband died and she complained of pain in her eyes (because of crying a lot). She then reported to the Messenger of Allah, because he was worried about the condition of his eyes. Then he said): "Back in the time of ignorance, one of your women, when her husband died, lived her iddah by staying in her house for a year." Worst of all, if a dog passes by, he throws*

*animal dung and then comes out. Isn't his iddah 4 months and 10 days? "*<sup>28</sup>

#### **d. Prohibitions for Wives During Ihdad**

When a wife is left behind by her husband, she has an obligation to undergo an iddah period of 4 months and 10 days, at the same time undergoing a period of ihdad. It is at this time that a wife whose husband has died has an obligation not to do the following:

1. Not wearing jewelry, even if it is only a ring of gold or silver, or silk, even if it is black. However, some mazhab Syafi'i, such as Hajar Atahali, allow wearing gold and silver. Meanwhile, the Hambali school allows wearing Putri's silk because this is a common thing.<sup>29</sup>
2. Not being decorated or using excessive make-up.
3. Do not use perfume on your body, clothes, or hair.
4. Do not use eye shadow. Do not wear clothes that are too brightly colored.
5. Don't leave the house unless you have to.<sup>30</sup>

Some of the provisions above, as the author mentioned, are based on several hadiths of the apostles, including the following:

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<sup>28</sup> M.nashiruddin al-albani, ringkasan shoheh muslim,terj.Elly Lathiifah,(Jakarta:Gema Insani,2005), 411

<sup>29</sup> Wahbah az-Zuhaili, *Fiqih Islam Wa Adillatuhu, Jilid 9*, Terj. Abdul Hayyie Al Kattani,dkk, (jakarta: Gema Insani, 2011), 565

<sup>30</sup> Imam Muchlas, *Alqur'an Berbicara Tentang Hukum Perkawinan* (Malang: UMM Press, 2006),264

Hadith narrated by Umm Salamah from the Prophet SAW.

المتوفى عنها زوجها لا تلبس المعصفر من الثياب ولا المشقة ولا الحلبي ولا تختصب

ولا تكتحل<sup>31</sup>

*" A woman whose husband dies should not wear clothes that are colored yellow. The number of clothes that are gilded with red, as well as jewelry, does not use gilding, nor does she use eye shadow."*

In another history,

لا تمتشطي بالطيب ولا بالحناء فإنه خضاب<sup>32</sup>

*" Don't comb it with fragrance and henna; then this is actually a dye. "*

According to Wahbah Zuhaili, in an emergency, the wife may do the things mentioned above due to an emergency, because in an emergency it is permissible to do things that are prohibited.

#### **e. Limit the Period of Ihdad**

Periodtime for a woman whose husband dies while performing Ihdad is 4 months and 10 days, or it can also be said that the length of

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<sup>31</sup> az-Zuhaili, Fiqih Islam Wa Adillatuhu, jilid 9,565

<sup>32</sup> az-Zuhaili, Fiqih Islam Wa Adillatuhu, jilid 9,566

Ihdad for a wife whose husband dies while not pregnant is the same as her iddah period, which is 4 months and 10 days. It is different when the woman is pregnant and her husband dies. Her iddah period is until she gives birth, as well as her postpartum period. This is the word of God in the Quran, surah Al-Thalaq verse 4:

وَاللَّائِي يَئْسَنَ مِنَ الْمَحِيضِ مِنْ نِسَائِكُمْ إِنْ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ وَاللَّائِي لَمْ  
يَحْضُنَّ ۖ وَأُولَاتِ الْأَحْمَالِ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ ۚ وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مِنْ أَمْرِهِ

يُسْرًا<sup>33</sup>

*“And those who no longer except menstruation among your women-if you doubt, then their period is three months, and (also for) those who have not menstruated. And for those who are pregnant, their terms are until they give birth. And whoever fears Allah- He will make for him of his matter ease.”<sup>34</sup>*

#### **f. Ihdad According to the View of Scholar**

The first views of the Hanafi school of thought distinguish between women who have been divorced and women whose husbands have died.

<sup>33</sup> QS. Ath-Thalaq (65):4

<sup>34</sup> Ahadi, “Quran surah At Talaq 4 (QS 65: 4) in arabic and english translation”, 1 juli 2009, diakses pada 27 Januari 2022, <https://www.alquranenglish.com/quran-surah-at-talaq-4-qs-65-4-in-arabic-and-english-translation#Sahih-International>

For those who are separated from their husbands due to divorce, they are not allowed to leave the house during the day and at night, while for those who have died, their husbands are prohibited from going out at night and are allowed to go out during the day to fulfill their needs.<sup>35</sup>

Furthermore, from the views of the Maliki and Hambali schools, it allows women who are undergoing the 'iddah period to go out for emergency reasons, and there are reasons, such as fear of something. They also absolutely allowed the woman to go out during the day to meet her needs, regardless of whether she was separated from her husband because of a divorce or was abandoned by him.<sup>36</sup> This is based on what Jabir narrated. He said, "My aunt was divorced three times, and went out to pick her dates." Then she met a man who prevented her from doing that. So what was done by Aunt Jabir was reported to the Prophet Muhammad. He said,

اخرجني فجزدي نخلك لعلك ان تصدق منه, او تفعلني خيرا<sup>37</sup>

*" Come out, then pick your dates, hopefully you can give charity from it. Or you do a good deed."*

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<sup>35</sup> az-Zuhaili, Fiqih Islam Wa Adillatuhu, jilid 9,558

<sup>36</sup> az-Zuhaili, Fiqih Islam Wa Adillatuhu, jilid 9,560

<sup>37</sup>

Then from the Shafi'i school, it is not permissible for a wife who is in the 'iddah period to absolutely leave the house, regardless of whether the divorce is a raj'i divorce, a ba'in divorce, or whose husband has died. The Shafi'i school is not to leave the house without a reason.<sup>38</sup>

It is recommended for women to mourn (al-Hidad) no more than three days after the death of their husband. According to the jumhur fuqaha, mourning is permissible for all women who are married in a marriage that is The period of mourning is legally obligatory for wives, but there are some women who are not obliged to mourn, namely when the woman is divorced by the raj'i, because, according to the opinion of the jumhur fuqaha, they are still in the status of wives. So she still has the right to dress up for her husband.<sup>39</sup>

They also agreed on the obligation of mourning for women whose husbands died in accordance with an authentic hadith which states,

لَا يَجِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ تَحُدُّ عَلَى مِيتَةِ فَوْقَ ثَلَاثٍ إِلَّا عَلَى زَوْجٍ،

أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا<sup>40</sup>.

" It is not lawful for a Muslim woman who believes in Allah and the Last Day to mourn for more than three days, except

<sup>38</sup> az-Zuhaili, *Fiqh Islam Wa Adillatuhu*, jilid 9,560-561

<sup>39</sup> az-Zuhaili, *Fiqh Islam Wa Adillatuhu*, jilid 9, 564

<sup>40</sup> az-Zuhaili, *Fiqh Islam Wa Adillatuhu*, jilid 9, 565

for the death of her husband, which lasts four months and ten days.”

**g. The Purpose of the Implementation of Ihdad**

According to what is written in Edi Susilo's writings, which mentions Ibn Rush's opinion as "*sad al-dzari'ah*," which means the way to close the forbidden, It is stated that the purpose of Ihdad is as follows:<sup>41</sup>

1. So that men do not immediately approach and be tempted by women who are doing iddah.
2. So that women who are in a state of iddah do not approach and be tempted by other men after separating from their husbands.

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<sup>41</sup> Susilo, " 'iddah dan Ihdad Bagi Wanita Karir, 286

## **CHAPTER III**

### **RESEARCH OF RESEARCH**

Methods research is a system that must be included and implemented during the research process. This is very important because this process determines how research is conducted to achieve a goal. In addition, the research method is also a way of conducting an investigation by using certain methods that have been determined to obtain scientific truth.

#### **A. Type of Research**

The type of research used in this study is empirical research (field research), namely research conducted in the field. This research was conducted by looking at a legal reality in society and at the legal aspects of social interaction in society. Researchers will conduct direct interviews with several informants who have professions related to the issues that exist in the discussion of Ihdad for women who are in the Iddah period.

#### **B. Research Approach**

This research is included in the qualitative approach, where this research emphasizes the aspect of in-depth understanding of a problem. This research is descriptive then written in a systematic form.

### **C. Types and Data Sources**

Sources of data in a study are needed and important. Because the data source is where the data subject is obtained, data sources referred to by the author is all information, either in the form of events or real objects, either in qualitative or quantitative form. The sources of data used by the author in this study are:

#### **1.) Primary Data Source**

Primary data sources are direct data sources obtained by researchers from the first source. Sources of data used in this study, namely taking direct data with the interview method and digging information for several women, in terms of finding out how the implementation of Ihdad is for women who are still in the iddah period at the research location.

#### **2.) Secondary Data Source**

Secondary data sources are data sources that provide an explanation of primary data sources. The secondary data sources in this study are previous studies and references from books that support primary data sources in the form of complementary data, such as books of fiqh munakahat and books of Iddah and Ihdad problems. Other secondary data sources include official documents, journals, and other reference sources that support the author's writing.

#### **D. Research Location**

The research location was conducted in the researcher's residence area, namely in the Pakong District, Pamekasan Regency. Pakong District is one of the 13 Districts in Pamekasan Regency.

This research was conducted because it looked at several factors, such as the population factor in Pakong District, which has as many as 38, 118 inhabitants, all of whom are adherents of the Islamic religion. Then look at the number of women who have worked and become the breadwinners of their families since their husbands died, with no exception in the area being researched. From the population data in the Pamekasan Regency Central Statistics Agency 2020, there is a lot of participation from women who work as well as men in general.

Seeing this, the author is interested in understanding further how the implementation of ihdad in the Pakong district for women whose husbands have died.

#### **E. Thecnique of Data Sources Collection**

The author uses several kinds of data collection methods that are considered in accordance with what is needed by researchers in compiling this paper, so that researchers can achieve objective results. The data collection methods used by researchers, namely:

## 1.) Interview

method is a method with the form of a conversation that has a specific purpose. The conversation was carried out by two parties, namely the interviewer, who asked several questions, and the interviewee, who gave answers to the questions posed by the interviewer.

In this research, the researcher used a structured interview method by asking several pre-arranged questions related to the implementation of Ihdad as well as questions about activities carried out during the Iddah period that had not been completed.

Interviews were conducted with several women who had been abandoned by their husbands in several areas in Pakong District.

**Table 3. 1**

**Informant women of died Husband in Pakonf District**

No.	Name	Job	Address
1.	Mrs. LL	Teacher	Ds. Seddur
2.	Mrs. DS	Teacher	Ds. Klompang Timur
3.	Mrs. UY	Housewife	Ds. Banban
4.	Mrs. MN	Farmer	Ds. Cenlecen
5.	Mrs. FM	Seller	Ds. Pelalang
6.	Mrs. WD	Enterpriser	Ds. Bandungan
7.	Mrs. YY	Nurse	Ds. Lebbek
8.	Mrs. UF	Religion teacher	Ds. Pakong

9.	Mrs. KT	Religion teacher	Ds. Pakong
10.	Mrs. FD	Tailor	Ds. Klompang timur
11.	Mrs.ML	Laborer in water factory	Ds. Cenlece

## 2.) Observation

Observation is a daily human activity using the five senses. Here, the researcher observes directly how the process of implementing Ihdad is carried out by women whose husbands died during their iddah period at the research location.

## 3.) Documentation

The documentary method is one of the data collection methods used in social research methodology. The documentation produced from this method is in the form of interviews, interview notes, data from the sub-district office, and photos related to interviews conducted by researchers with several informants related to the discussion of the above theme.

## **F. Data Analysis**

After the data is collected, Researchers will analyze the results of this data so that they become accurate. Data analysis was carried out in several ways that are usually done in a study, namely:

### *1.) Editing*

At this stage, the obtained data is reviewed to determine whether it is in accordance with the discussion being studied or not. The focus of this research is the implementation of ihdad for women whose husbands died in Pakong District. Editing is used to review the data that has been collected so as to find a match between the contents of one data set and another. Then the writer arranges it neatly and clearly.

#### 2.) *Classifying*

This stage is a continuation stage of the next stage, namely the editing stage. From the data generated from various kinds of literature, both journals and other scientific writings, they are classified according to the division of each discussion related to the implementation of Ihdad for women whose husbands died in Pakong District. which aims to sort out the obtained data so that it is in accordance with the discussion of the theme being studied, so that it can be easily understood.

#### 3.) *Verifying*

The next stage after the editing and data clarification stages is the verification stage, namely the re-checking stage so that it becomes valid data both from who the author is and that it can be seen to be up-to-date.

#### 4.) *Analyzing*

This stage regulates the systematics of data from interviews and observations, interprets them, and then produces new thoughts, opinions, and theoretical ideas. The data was analyzed using theoretical studies and

the arguments contained in the literature review. So at this stage, researchers analyze how the implementation of ihdad affected wives whose husbands died in Pakong district.

#### 5.) Concluding

The final step in processing data from various stages is the analysis stage, where the researcher draws conclusions on the problem under study. At this stage, the author summarizes the answers to the results of the previous analysis, namely how to implement ihdad for wives whose husbands died in Pakong district.

**CHAPTER IV**  
**DISCUSSION AND FINDINGS RESEARCH**

**A. General Description of Pakong District as Research Location**

**1. History of Pakong District**

Pakong is one of the 13 Districts in Pamekasan Regency. This district on the island of Madura has 12 villages in it. The 12 villages are as follows:

**Table 4.1**  
**Vallages in Pakong District**

No.	Village Name
1.	Bicorong Village
2.	West Klompang Village
3.	East Klompang Village
4.	Bajang Village
5.	Cenlece Village
6.	Banban Village
7.	Somalang Village
8.	Palalang Village
9.	Seddur Village
10.	Pakong Village
11.	Bandungan Village
12.	Lebbek Village The

The history of Pakong from the site that discusses this sub-district states that the Pakong sub-district has existed since the colonial era, where the Japanese and the Dutch colonized Indonesia. At that time the areas in Pamekasan Regency had been divided into several parts, as at this time they are divided into 13 Districts.<sup>42</sup>

The word Pakong comes from the word "Pakon" which means to be ordered, this word is often said when the Dutch soldiers who stopped in the area were tired because they were always told to do something by other soldiers. So the area is known as "Pakong".

## **2. Demographics of Pakong District**

Based on data from the Central Statistics Agency (BPS) of Pakong sub-district in 2020. The total population of Pakong village consists of 36147 people with details of 16871 males and 19276 females.

Geographically, Pakong sub-district is located at 113°19-113° 58 east latitude and 6°51-7°31 South Latitude. East Longitude with an area of 30.71 Km. The topography of the sub-district is in the form of medium land, which is 250 meters above sea level. The boundaries of the Pakong district are:<sup>43</sup>

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<sup>42</sup> Sejarah pakong,pakong pamekasan diakses pada 25 November 2021

[https://id.wikipedia.org/wiki/Pakong, Pakong, Pamekasan](https://id.wikipedia.org/wiki/Pakong,_Pakong,_Pamekasan)

<sup>43</sup> Sejarah pakong, [https://id.wikipedia.org/wiki/Pakong, Pakong, Pamekasan](https://id.wikipedia.org/wiki/Pakong,_Pakong,_Pamekasan)

North : Waru District,  
South : Kadur District,  
West : Pegantenan District,  
East : Sumenep Regency.

The usual season in the Pakong sub-district is the rainy season from October to April and the dry season from April to October.

### **3. Data of Women Who Left Dead Husband In Pakong District**

Based on statistical trends in the world over the last 5 years from 2015 to 2019 on average there were 7.5 deaths in every 1000 residents. Without a pandemic, the death toll in 2020 is estimated at 58 million cases. However, until the end of 2020 there were 84 million positive cases of Covid-19 with a death toll of 1.803 million, this means that in 2020 the pandemic will raise the morale of mortality to 3.5%. According to World Bank data, mortality in Indonesia is 6.5 per 1000 population, lower than the world average of 7.6 per 1000 population. In simple terms, the death rate in Indonesia is estimated at 0.605% per year. Previously, the United Nations population fund (UNFPA) Indonesia projected that Indonesia's population in 2019 would reach 266.9 million people with 1.6 million deaths that year. At the beginning of 2020, in March, WHO announced that the COVID-19 outbreak had spread globally in the world. The impact of COVID-19 in Indonesia is marked by an increasing death rate, because the wider the spread of the pandemic and the longer its duration, the higher the death rate

or mortality caused. According to Bappenas, the calculation of the COVID-19 death rate is quite a problem because there are many asymptomatic cases that are not detected. In Indonesia, between March 2020 and February 2021, there were 36325 deaths from 1.304 million positive cases of covid 19. So it is estimated that in Indonesia there were 1.75 million normal deaths between March 2020 - February 2021. Thus nationally the mortality of the COVID-19 pandemic in Indonesia reached  $36,325/1.75$  million which is 2.1%. This figure shows that mortality in Indonesia reaches half of the world's excess mortality.<sup>44</sup>

Of the many cases of Covid-19 in Indonesia, it has caused several unbalanced social arrangements. For example, where every KK makes a husband and father the head of the family, but the presence of this death case is either due to the pandemic or not causing some Family Cards (KK) in Indonesia to make the mother or wife the head of the family. This already exists in many parts of Indonesia which puts a burden on a woman to be the head of the family when her husband is not around. This also happened in the author's research area, precisely in the Pakong sub-district where many women who no longer have husbands become the backbone of the family

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<sup>44</sup> Administrator, "Efek dramatis diatas peta mortalitas", 15 maret 2021, diakses pada 28 November 2021, <https://indonesia.go.id/kategori/feature/2599/efek-dramatis-di-atas-peta-mortalitas#:~:text=Menurut%20data%20Bank%20Dunia%2C%20mortalitas,0%2C65%20persen%20per%20tahun>

by taking care of all the needs of their families. The number of the same cases in the Pakong area is not a fixed number because every year there are cases that increase or decrease from the previous year. Each case has its own end, for example there are some women whose husbands have died choose to remarry with someone else and there are also those who choose to remain as a widow.

The death rate in the Pakong area can be said to be inconsistent with the existing reality because many people do not report the incidence of death that befell their families due to this they have to go through a fairly complicated process to obtain a death certificate by reporting and filling out death certificate forms. This was mentioned by Mr. Halimi as a staff at the Pakong sub-district office when asked for his opinion on widow data and death data in the Pakong district in 2020-2021. He stated that:

*" Kalau data itu tidak bisa secara pasti kami sebutkan dan juga tidak ada data yang sesuai dengan yang ada di masyarakat, karena masyarakat lebih memilih untuk tidak melaporkan kematian keluarganya kepada pihak desa karena rumitnya prosedur pengurusan dokumen kematian. Masyarakat Pakong lebih memilih untuk tidak melaporkan hal tersebut karena banyak dari mereka berpikir bahwa hal itu tidak terlalu penting mungkin hanya beberapa dari orang-orang yang melaporkan dan mengurus akta kematian contohnya untuk mengurus pensiunan."<sup>45</sup>*

(We cannot say for certain the data and also there is no data that is in accordance with what is in the community, because the community prefers not to report the death of their family

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<sup>45</sup> Halimi, Interview, (Pakong, 23 November 2021)

to the village because of the complicated procedure for processing death documents. choose not to report it because many of them think that it is not very important, maybe only some of the people who report and apply for death certificates for example to take care of retirees.)

From this opinion, it can be understood that the community prefers not to carry out the procedure because the public's perception of it is not too high. Neither the data in the Pakong sub-district or the data in the villages scattered in the Pakong sub-district are also not very clear and precise. This was mentioned by Mr. Darut as one of the Pakong village staff who at that time was also asked for his opinion on the existing data in the village area.

*" Di daerah desa juga sama seperti yang disebutkan bapak Halimi, ini karena masyarakat juga tidak terlalu peduli dengan dokumen kematian. Hal itu yang menyebabkan banyak dari masyarakat yang keluarganya meninggal tidak melaporkan kepada pihak desa atau pihak kecamatan."<sup>46</sup>*

(In the village area, it is the same as what Mr. Halimi mentioned. This is because the community doesn't really care about death documents. That's why many people whose families died don't report it to the village or sub-district authorities)

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<sup>46</sup> Darut, Interview, (Pakong, 23 November 2021)

From this, we can understand that neither the sub-district nor the village specifically have concrete widow and death data for each year. The Cenleceen village staff also mentioned the same thing regarding the data on widows at the Cenleceen village hall.

*" Untuk data janda di daerah cenleceen itu tidak sesuai dengan yang ada di masyarakat Mbak karena banyak juga para janda yang menikah kembali dengan orang lain dan hal itu juga mengubah data yang sebelumnya jika ada."<sup>47</sup>*

(The data for widows in the cenleceen area does not match what is in community, because there are also many widows who remarry with other people and that also changes the previous data, if any.)

From this it can also be understood that the data showing how many widows there are in each village is different from the previous month and the next.

The supporting opinion was also stated by Mr. Darut that there is also no obligation for the community to carry out death procedures to the village,

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<sup>47</sup> Munir, Interview, (Pakong, 12 November 2021)

except for those who want to remarry, they must include a death certificate for the reason for their divorce from their first husband at the local religious affairs office (KUA).

*"Beda ceritanya kalau di kantor urusan agama, para janda yang ingin menikah atau para duda yang ingin menikah kembali itu harus menyertakan bukti berupa surat kematian atau bukti cerai yang ia miliki sebagai data pelengkap formulir pendaftaran nikah. Jika cerainya disebabkan oleh kematian salah satu pasangan maka para calon menyertakan surat kematian pasangannya jika cerainya cerai gugat atau cerai talak harus menyertakan bukti akta cerai dari pengadilan agama."<sup>48</sup>*

("It's a different story if at the religious affairs office, widows who want to get married or widowers who want to remarry must include evidence in the form of a death certificate or proof of divorce that he has as complementary data on the marriage registration form. If the divorce is caused by the death of one of the partners then the candidates include the death certificate of their spouse, if the divorce is divorced or divorced, they must include proof of the divorce certificate from the religious court.")

From this, we can understand that what Mr. Darut mentioned that there is a difference when someone who wants to remarry after his first marriage must include a death certificate or divorce certificate from the religious court at the office of religious affairs to complete the data on the marriage registration form.

The same thing was also mentioned by Mr. Hasan as a staff and also as the head of the religious affairs office in the Pakong sub-district regarding

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<sup>48</sup> Darut, Interview, (Pakong, 23 November 2021)

the file equipment for marriage registration and also information on widow data in the sub-district area.

*"Benar jika berkas untuk pendaftaran nikah tidak lengkap pendaftaran nikahnya tidak bisa di disetujui oleh pihak KUA jika semuanya sudah lengkap maka pihak KUA dapat menikahkan orang tersebut dengan orang lain. Dan juga untuk data janda yang ada di kecamatan biasanya ada di pengadilan agama namun status janda wanita tersebut itu disebabkan oleh cerai talak atau cerai juga bukan janda yang disebabkan oleh kematian suaminya."<sup>49</sup>*

(It's true that if the file for marriage registration is incomplete, the marriage registration cannot be approved by the KUA if everything is complete then the KUA can marry the person to someone else. And also for widow data in the sub-district usually in the religious court but widow status the woman is caused by divorce or divorce is also not a widow caused by the death of her husband.)

From the opinion of Mr. Hasan who stated that the files that must be completed on the marriage registration form must be appropriate and correct, in order to be able to marry someone else. And also for widows data in the religious courts are data on widows whose divorce was due to a lawsuit or divorced because of talaq not because of the death of her husband.

So from these opinions it can be understood that the number and large number of deaths and widows in the mangrove sub-district and in the village area are not accurately recorded. However, there are some data generated

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<sup>49</sup> Hasan, Interview, (Pakong, 24 November 2021)

by the author when conducting research in the village hall of the Pakong sub-district such as in Cenlece village, Ban-Ban village and Pakong village.

*"Kalau di Cenlece dilihat dari ibu-ibu janda yang suaminya meninggal itu ada sekitar 17 orang untuk saat ini yang memilih untuk tidak menikah lagi, untuk yang dulunya pernah berstatus janda dan sekarang sudah menikah lagi saya kurang tau jumlah pastinya, hanya saja untuk orang-orangnya yang sampai sekarang masih berstatus janda jumlahnya sekitar itu"<sup>50</sup>*

("In Cenlece, if you look at the widowed mothers whose husbands died, there are currently 17 people who choose not to remarry, for those who were once widowed and have now remarried, I don't know the exact number, it's just that for those who have The number of people who are still widowed is around that number.")

From the explanation of Mr. Munir as the village secretary in Cenlece village, it can be said that the number of widows whose husbands died does not specifically match the circumstances of the community, however, if we look at some people whose status has always been up to now. still the same as the widow of the range with the number mentioned above. The number mentioned from several villages also amounts to approximately 15-20 people.

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<sup>50</sup> Munir, Interview, (Pakong, 23 November 2021)

## **B. Discussion of Findings Research**

### **1. Understanding of Women of Died Husband in Pakong District About Ihdad**

From the results of the author's research, either through interviews or observations conducted at the research location, he found several perceptions related to ihdad and also related to iddah. This is motivated by differences in educational strata and also local environmental conditions. In order to achieve a common perception in the selection of the sample of informants, the author determines several informants who are considered appropriate to what is needed, the informants are from several circles of women whose husbands have died who have different professions. From many of the same professions, the authors chose some of them as interview samples in this study because this is intended so that the results of this study are arranged systematically and are considered to be more concise and efficient.

From several interviews with informants related to the discussion of ihdad, it was very diverse, ranging from those who never found the discussion to a deep understanding of it. Some of the informants who have been asked for their opinion regarding ihdad and also its implementation gave different responses. Mrs. MN, who works as a farmer, admitted that she did not understand what it meant, according to what she said

*“kalau saya gak tau itu, saya hanya paham setelah suami saya meninggal saya tidak boleh menikah langsung dengan orang lain.”*<sup>51</sup>

(If I didn't know that, I only understood that after my husband died I could not marry someone else directly.)

From this opinion, we can understand that Mrs. MN does not know the provisions governing this matter, but it's just that there are some things that have been done by people before and those things will also be done by people after. Statements that have the same context as those of Mrs. MN were also mentioned by Mrs. WD, Mrs. FD and Mrs. ML. Everyone's opinion is related to their lack of understanding about ihdad and as before they just stayed at home since her husband died not because they understood the Islamic provisions governing ihdad, but they did this following what was usually done by the previous people. This statement is also almost the same as what UY's mother who is a housewife said as follows:

*“biasanya orang-orang yang ditinggal mati suaminya akan menunggu sampai beberapa saat, hal itu sebagai tanda belasungkawa atas kepergian suami. Kalau untuk ketentuan yang kamu bilang tadi saya tidak paham.”*<sup>52</sup>

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<sup>51</sup> Mrs. Muna, Interview, (Pakong, 04 September 2021)

<sup>52</sup> Mrs. Umyati, Interview, (Pakong, 04 september 2021)

(Usually people who have lost their husbands will wait for a while, this is a sign of condolences for the loss of their husbands. As for the provisions you said earlier, I don't understand)

From this, we can see that Ihdad is still not familiar with some communities in the Pakong sub-district, they are more familiar with the term Madura called "Neng-Neng" which in another sense means "Waiting". The same thing was also said by Mrs. FM, who works as a trader in a traditional market who goes to the market from morning to evening to sell her wares almost every day, as follows:

*“saya tidak paham dengan ihdad itu, tapi saya juga melakukan apa yang biasanya dilakukan orang-orang untuk diam dirumah selama kurang lebih 40 hari, tapi ya tetap meskipun tidak sampai 40 hari saya sudah ke pasar untuk berjualan, kalo saya tidak ke pasar nanti saya sama anak saya makan apa. Dan juga untuk pengajian juga butuh dana”*

(I don't understand that ihdad, but I also do what people usually do. people stay at home for about 40 days, but yes, even though it's not until 40 days I've been to the market to sell, if I don't go to the market what will I and my children eat. And also for recitations, they also need funds)

From the opinion of FM, she explained that even though they did not understand the rules of Ihdad in Islam, they remained at home for at least 7-40 days after their husband died, this is a common practice for the Pakong community in general. This period of time is used as a benchmark for

staying at home by reviewing several reasons. The same thing was conveyed by Mrs. DS who works as a Biology teacher at one of the schools in the Pakong sub-district.

*“masyarakat kita lebih pahamnya dengan istilah Neng-Neng dalam bahasa maduranya. Jadi kami yang telah ditinggal mati oleh suami kami melakukan yang namanya menunggu sampai beberapa waktu untuk melakukan kegiatan seperti pada hari-hari biasanya. Jujur saya juga paham tentang ihdad dan iddah itu setelah suami saya meninggal, untuk sebelum itu saya juga masih belum terlalu paham apa yang disebut dengan hal itu.”*

<sup>53</sup>

(Our society understands more about the term Neng-Neng in Madura language. So we who have been left behind by our husbands do what is called waiting until some time to carry out activities as usual. Honestly, I also understood about ihdad and iddah after my husband died, before that I also didn't really understand what it was called)

From the response of Mrs. DS, she explained that before her husband died, she also did not really understand the discussion of iddah and ihdad, she understood this after her husband died. This was also assisted by several relatives and also the local community who helped explain what a woman needs to do when her husband dies. From the explanation above, it can also be understood that a woman after being left by her husband must wait for a period not to marry and stay at home for some time, this is in accordance with what is meant by the meaning of iddah in the theoretical discussion in

CHAPTER II.

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<sup>53</sup> Mrs. Desi, Interview, (Pakong, 29 September 2021)

However, there are several opinions that explain how most Pakong people understand about iddah and ihdad. This opinion was conveyed by Mrs. YY as one of the nurses assigned to Lebbek village, she was also one of the informants interviewed by the author. She is a nurse whose husband died approximately 2 years before this opinion was conveyed. His opinion about his personal understanding and opinion about the customs he had seen in Lebbek village when a husband died.

*“kalau saya pribadi juga tidak terlalu paham secara mendalam tentang ketentuan itu dalam islam, namun yang saya ketahui hanya sebagian dari ketentuan iddah ketika saya masih di pondok dulu. Iddah itu adalah ketentuan untuk menjalani masa tunggu untuk menghormati suami setelah kematiannya. Dan di masa selama 4 bulan 10 hari itu ada beberapa ketentuan dan kewajiban yang harus dilakukan oleh istri, seperti untuk tidak menikah dan tidak berdandan juga untuk diam dirumah suami selama 4 bulan 10 hari. Kalau membahas tentang ini bagi masyarakat di desa ini saya lihat banyak yang hanya melakukan sesuai tradisi dan kebiasaan, namun juga ada yang melakukan sesuai dengan ketentuan islam. Melihat latarbelakang orang-orang disini yang juga kebanyakan adalah masyarakat tani yang kesehariannya bekerja di ladang, mereka tidak terlalu memperhatikan tentang hal itu, dan juga banyak orang yang setelah suaminya meninggal bekerja lebih keras dari sebelumnya untuk memenuhi kebutuhan hidup. Jadi mereka melakukan apa yang biasanya mereka lihat dan dengar saja sebagai suatu kebiasaan”<sup>54</sup>*

(I personally also don't really understand deeply about the provisions in Islam, but what I know is only part of the provisions of the iddah when I was at the cottage first. Iddah is a provision to undergo a waiting period to honor the husband after his death. And during that 4 months and 10 days there are several provisions and obligations that must be carried out by

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<sup>54</sup> Mrs. Yayuk, Interview, (Pakong, 04 Oktober 2021)

the wife, such as not getting married and not dressing up as well as staying at her husband's house for 4 months and 10 days. When I talk about this for the people in this village, I see many who only do it according to tradition and custom, but there are also those who do it according to Islamic provisions. Seeing the background of the people here who are also mostly farming communities who work in the fields daily, they don't pay much attention to it, and also many people who after their husbands died worked harder than before to make ends meet. So they do what they usually see and hear as a habit)

From Mrs. YY's opinion, we can understand that not everyone understands Ihdad according to Islamic provisions. There are some of them who understand and there are also some who still think it is a new thing. Then from the opinion of YY's mother, we can know how YY's mother views the local community regarding the issues discussed, namely that the community does something that is considered a habit which is something that has been predetermined. From the opinion of YY's mother, it can be seen that she has more or less understood the provisions of ihdad and iddah. He understands related to several things and obligations that should be carried out by a wife whose husband died not to carry out the marriage directly after her husband died, not to dress up excessively and to remain silent at her husband's house.

The next response from Mrs. LL who is also a teacher at a junior high school in Pakong sub-district is about ihdad. From the opinion of Mrs. LL, it is stated that in Islam it is clearly regulated regarding the obligation to carry out ihdad for women whose husbands have died, as follows:

*“yang saya ketahui ihdad itu adalah sebagian hal yang wajib dilakukan oleh istri ketika suaminya sudah meninggal, sebagai contoh saya tidak boleh keluar kecuali ada kebutuhan mendesak, tidak memakai parfum, tidak berpenampilan mencolok. Untuk waktunya dalam al-quran sudah dijelaskan bahwa iddah wanita yang ditinggal mati suaminya selama 4 bulan 10 hari, hal itu dilakukan untuk menghormati suami kita dan juga menghindari hal-hal yang tidak diinginkan.”<sup>55</sup>*

(What I know is that Ihdad are some of the things that the wife must do when her husband dies, for example I must not go out unless there is an urgent need, do not wear perfume, do not look flashy. For the time in the Qur'an it has been explained that the iddah of a woman whose husband dies for 4 months and 10 days, it is done to honor our husbands and also avoid things that are not desirable.)

From the opinion above, it can be understood that Mrs. LL's understanding of Ihdad is deeper than the previous informant. He mentions what things need to be done while in the iddah period, and mentions that this has been explained in the previous Qur'an. This is in accordance with the theory that has been mentioned in CHAPTER II regarding the time for the implementation of ihdad during the iddah period, which is 4 months and 10 days in QS. Al-Baqarah verse 234, as follows:

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<sup>55</sup> Mrs. Lilik, Interview, (Pakong, 05 Oktober 2021)

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<sup>56</sup>

Meaning: “And those who are taken in death among you and leave wives behind- they, (the wives, shall) wait four months and ten (days). And when they have fulfilled their term, then there is no blame upon you for what they do with themselves in an acceptable manner. And Allah is (fully) acquainted with what you do.”<sup>57</sup> (qs. Al-Baqarah(2): 234).

Then the opinion of Mrs. UF as a religion teacher at the Sumber Bungur Islamic boarding school in Pakong District is related to her understanding of ihdad.

*“iddah itu merupakan kewajiban bagi kita (para wanita) yang telah ditinggalkan oleh suami, sesuai dengan syariat yang menjelaskan bagiamna iddah itu sudah ada sebelum adanya Islam, yakni ketika masa Jahiliyah dulu istilah iddah itu sudah ada, namun setelah hadirnya Islam Iddah itu ditetapkan sesuai perintah-Nya menjadi empat bulan sepuluh hari yang sebelumnya telah dilakukan oleh para wanita di zaman Jahiliyyah selama satu tahun penuh setelah suaminya meninggal”<sup>58</sup>*

(Iddah is an obligation for us (women) who have been abandoned by our husbands, in accordance with the Shari'a which explains how iddah existed before Islam, namely during the Jahiliyah period the term iddah existed, but after the advent

<sup>56</sup> QS. Al-Baqarah(2): 234

<sup>57</sup> Ahadi, “Quran surah Al Baqarah 234 (QS 2: 234) in arabic and english translation”, 1 juli 2009, diakses pada 27 Januari 2022, <https://www.alquranenglish.com/quran-surah-al-baqarah-234-qs-2-234-in-arabic-and-english-translation#Sahih-International>

<sup>58</sup> Mrs. Ulfa, Interview, (Pakong, 19 September 2021)

of Islam, Iddah was established. according to His command, it became four months and ten days which was previously carried out by women in the Jahiliyyah era for a whole year after her husband died.)

From the statement of Mrs. UF, we can conclude that the history of 'iddah has been around for a long time, even before the advent of Islam, 'iddah has been around for a long time. carried out for generations by women in the Jahiliyyah era. This is in accordance with what has been mentioned in Chapter II about the history of ihdad before the existence of Islam.

The same thing was also expressed by Mrs. KT who also works as a religion teacher at the Sumber Bungur Islamic Boarding School together with Mrs. UF. He explained as follows:

*“ hukum dari 'iddah bagi wanita yang ditinggal mati suaminya itu wajib dari pendapat jumhur ulama, sejarahnya juga seperti apa yang mbak Ulfah katakan tadi. Selama dalam masa 'iddah itu memiliki beberapa kewajiban yang harus dilakukan, selain kewajiban juga masih ada hak yang diberikan kepada wanita itu. Ihdad juga begitu bukan hanya pada saat ini saja ihdad diberlakukan kepada para wanita yang ditinggal mati suaminya namun juga semasa Nabi Muhammad SAW juga dianjurkan secara langsung oleh beliau kepada para wanita-wanita seperti itu.”<sup>59</sup>*

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<sup>59</sup> Mrs. Kautsar, Interview, (Pakong, 19 September 2021)

(The law of 'iddah for a woman whose husband died is obligatory from the opinion of the majority of scholars, the history is also like what Ms. Ulfah said earlier. During the 'iddah period, there are several obligations that must be carried out, in addition to obligations there are also rights that are given to the woman. Ihdad is also the same, not only at this time, Ihdad is applied to women whose husbands have died, but also during the time of the Prophet Muhammad, he was also recommended directly by him to such women)

From the opinion expressed by Mrs. KT, we can conclude that 'iddah and ihdad have existed and have been implemented for a long time, this can be seen from the many authentic Hadiths that explain this right.

## **2. Implementation of Ihdad by Women of Died Husband in Pakong District**

Implementation based on the opinion of Browne and Wildavsky which defines it as an expansion of activities that adjust to each other can also be interpreted as an implementation, the implementation is carried out by the subject concerned. In this case, the subjects in question are women whose husbands died in the Pakong sub-district. After discussing the understanding of women whose husbands died, the next step will be to discuss how the implementation is carried out by women whose husbands have died in Pakong sub-district.

The implementation of ihdad in Pakong sub-district in accordance with the results of interviews with informants produced information that supports the data needed for this research. The implementation of ihdad is influenced by several factors which are also not much different from the factors that influence the understanding of the Pakong community about ihdad, namely educational factors and environmental factors.

The first opinion was conveyed by Ms. MN, whose daily life as a farmer relates to how she implemented what she did during the iddah period when her husband died as follows:

*" Setelah suami saya meninggal saya hanya berdiam diri di rumah sembari menyambut orang-orang yang datang kerumah untuk mengucapkan belasungkawa atas kepergian suami saya, seperti orang-orang pada umumnya. Setelah 7 hari kemudian saya bekerja seperti biasa pergi ke sawah untuk berkebun karena selain itu tidak ada pekerjaan lain yang saya lakukan. Kalau saya tidak bekerja saya tidak punya uang untuk membeli kebutuhan mendatang. Kalau untuk berhias dan memakai parfum, tentu saja saya tidak menggunakan itu, untuk apa seperti itu kalau cuma pergi ke sawah mbak"<sup>60</sup>*

(After my husband died I just stayed at home while welcoming people who came home to express their condolences for my husband. my husband left, like people in general. After 7 days later I worked as usual going to the fields to garden because apart from that I had no other work to do. If I don't work I don't have money to buy future needs. make up and wear perfume, of course I don't use it, why would it be like that if you just go to the rice fields, miss.)

From the opinion above, it can be understood that MN's mother continued to work as usual after 7 days of her husband's death to fulfill her

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<sup>60</sup> Mrs. Muna, Interview, (Pakong, 04 September 2021)

daily needs. Then regarding the prohibition on making up and preening and not wearing perfume, MN's mother revealed that she did not do this after her husband died.

Then a similar opinion was also expressed by some informants in the implementation of ihdad. As the opinion of Mrs. FM, whose daily life as a trader is as follows:

*" Seperti orang-orang saya melayani para tamu yang datang kerumah kami dibantu oleh tetangga-tetangga saya. Kurang lebih setelah hari ke-10, saya jualan lagi ke pasar. Pergi kesana pun seperti biasa tidak memakai make-up juga tidak wangi. Sebelum suami saya meninggal juga saya gak pakek itu kalau ke pasar Miss. Kalau malam ya tetap dirumah saja."<sup>61</sup>*

(Like people, I serve guests who come to our house with the help of my neighbors. More or less after the 10th day, I sell again to the market. Going there is like I usually don't wear make-up and it doesn't smell good. Before my husband died, I didn't wear it when I went to the Miss market. At night, I just stayed home.)

From the opinion above, FM explained that she did not use makeup or perfume before or after her husband died. He goes to the market in the morning and stays at home at night. From this, it is in accordance with the opinion of the majority of scholars who allow women who are in the Iddah period and do Ihdad out of the house in the morning to meet their needs and at night she stays at her husband's house. The same thing was also said by Mrs. ML and Mrs. WD regarding the activities she did after her husband

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<sup>61</sup> Mrs. Fatma, Interview, (Pakong, 04 september 2021)

died, namely in the morning they continued to work as usual and stayed at home at night. From Mrs. ML's explanation about her usual activities, after 8 days of her husband's death, she worked in a water factory as a bad thing to earn income as expenses. Meanwhile, the activities carried out by WD's mother were similar to what Mrs. ML's did in the day that she would go to work or shop for necessities and stay at home at night.

Furthermore, the opinion of UY's mother is as follows:

*"Kalau saya pribadi terkait tidak keluar rumah, tidak berhias, dan tidak memakai wangi-wangian saya lakukan semua itu bahkan sebelum suami saya meninggal karena kondisi saya yang juga tidak memungkinkan untuk bekerja diluar. Namun untuk ketentuan berapa lama atau ketentuan tentang ihdad itu saya tidak paham, hanya saja untuk hal-hal yang dianjurkan untuk dilakukan oleh saya setelah suami saya meninggal, saya lakukan semua itu mbak."<sup>62</sup>*

(If I personally don't go out of the house, don't decorate, and don't wear perfume, I did all of that even before my husband died because of my condition which also doesn't allow me to work outside. But for what conditions? I don't understand the duration or the provisions regarding Ihdad, it's just that for the things that were recommended to be done by me after my husband died, I did all of them, Miss)

From the opinion above, we can understand that he carried out the prohibitions that were recommended for women after her husband died during the iddah period in accordance with what was recommended by Islam, only that he carried out these obligations without knowing that these were prohibitions intended for women who her husband died. This is

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<sup>62</sup> Mrs. Umyati, Interview, (Pakong, 04 September 2021)

influenced by health conditions that make it impossible to work outside the home, and there is no reason to decorate while at home.

This is different from the activities carried out by FD's mother during the iddah period after her husband died.

*"Untuk ketentuan larangan tersebut saya tidak tahu dan tidak paham. Namun melihat dari masyarakat sekitar yang yang tidak keluar rumah dan tidak melakukan kegiatan setelah suaminya meninggal adalah suatu hal yang lumrah dilakukan. Maka saya juga melakukan hal tersebut selama waktu 4 bulan 10 hari. Namun biasanya saya tetap kepasar untuk berbelanja kebutuhan setelah itu, yah saya tetap dirumah karena memang pekerjaan saya dilakukan di rumah. Untuk makeup saya tidak menggunakan itu karena memang masyarakat disini kebanyakan berpenampilan sederhana tanpa make-up"<sup>63</sup>*

(As for the provisions of the prohibition, I do not know and do not understand. However, seeing from the surrounding community who did not leave the house and did not carry out activities after their husband died, it was a common thing to do. So I also did this for 4 months and 10 days. However, I usually went to the market to shop after that. Well, I remained at home because it's my job to do at home. for makeup I did not use it because the people here mostly simple look without makeup)

From The opinion above FD mother explained that her job supports implementation of the ihdad. Because the local people look simple every day and don't need makeup to leave the house. In the period of 4 months and 10 days, he carried out ihdad in accordance with the existing provisions, even though it was not from his knowledge of ihdad, but it had become a habit for people after his husband died they stayed at home.

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<sup>63</sup> Mrs. Fadilah, Interview, (Pakong, 04 September 2021)

Furthermore, the activities carried out by Mrs. LL and Mrs. DS who work as teachers at a junior high school in Pakong sub-district explained as follows:

*"Ketentuan tentang ihdad serta larangan-larangannya saya pahami lebih dalam ketika suami saya telah meninggal yakni ketentuan untuk tetap berdiam di rumah, tidak menggunakan perhiasan, bermake-up, dan juga menggunakan parfum. Dari pihak sekolah pun memberikan keringanan kepada kami yang menjalani masa iddah untuk tidak bekerja. Namun kegiatan mengajar tetap dilakukan dengan cara memberikan tugas kepada guru pengganti. Apalagi kemarin kegiatan belajar mengajar dilaksanakan secara online, jadi kami yang tidak memiliki kewajiban untuk datang secara langsung ke sekolah tetap melaksanakan kewajiban untuk mengajar melalui media sosial."*<sup>64</sup>

(I understood the provisions regarding Ihdad and its prohibitions more deeply when my husband died, namely the provision to stay at home, not use jewelry, make-up, and also use perfume. The school has also provided relief for those of us who are undergoing the iddah period not to work. However, teaching activities are still carried out by giving assignments to substitute teachers. Moreover, yesterday the teaching and learning activities were carried out regularly online, so those of us who don't have the obligation to come directly to school still carry out our obligations to teach through social media.)

The addition from Mrs. DS regarding the relief provided by the school is as follows:

*"Kepala sekolah memberikan keringanan kepada kami yang masih dalam masa iddah untuk tidak ke sekolah selama 4 bulan 10 hari dengan alasan hal tersebut adalah kewajiban yang harus dilakukan oleh wanita yang suaminya meninggal, kepala sekolah juga berpendapat bahwa ketika pihak sekolah tetap memaksa untuk masuk ke sekolah dan membiarkan kami tidak melaksanakan kewajiban kami untuk melaksanakan ihdad juga merupakan perbuatan dosa. Sehingga dari pihak*

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<sup>64</sup> Mrs. Lilik, Interview, (Pakong, 05 Oktober 2021)

*sekolah mendukung pelaksanaan ihdad dilaksanakan sebagaimana ketentuan agama mengatur.*"<sup>65</sup>

(The principal provides relief for those of us who are still in the iddah period not to go to school for 4 months and 10 days on the grounds that this is an obligation that must be carried out by women whose husbands died, the principal The school also believes that when the school continues to force us to go to school and let us not carry out our obligations to carry out Ihdad, it is also a sin. So from the school, it supports the implementation of Ihdad carried out according to religious provisions)

From the two opinions above, we can understand that teachers who are in the iddah period are given waivers and support to carry out ihdad obligations during the iddah period. It can be understood that environmental factors and knowledge can also assist the implementation of ihdad in accordance with the provisions contained in the Qur'an and Hadith.

The relief provided by the institution to Mrs. LL and Mrs. DS is one of the implementations of Ihdad as a form of support. However, this is different from the opinion of YY's mother who works as a nurse in Lebbek village who still has to work at the puskesmas 3 days after her husband's death no later than 7 days after her husband's death. If the leave taken by YY's mother exceeds the time given by the institution, it will affect her work as follows:

*"Kalau dari pihak Puskesmas kami diberikan waktu selama 3 hari dan paling lama 7 hari ketika suami meninggal untuk cuti,*

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<sup>65</sup> Mrs. Desi, Interview, (Pakong, 29 September 2021)

*namun jika melebihi waktu itu kami akan diberikan surat teguran atau yang paling parah dapat diberhentikan. Karena cuti yang diberikan oleh pihak lembaga sudah tercatat. Namun untuk tidak menggunakan make-up, perhiasan dan parfum masih saya lakukan hingga selesai masa iddah. Serta kegiatan saya diluar rumah juga dilakukan pada siang hari selebihnya saya tetap dirumah"<sup>66</sup>*

("From the Puskesmas we are given 3 days and a maximum of 7 days when the husband dies for leave, but if it exceeds that time we will be given a letter of reprimand or in the worst case can be dismissed. Because the leave given by the institution has been recorded. However, I still do not use make-up, jewelry and perfume until the end of the iddah period. And my activities outside the home are also carried out during the rest of the day I stay at home)

The opinion above can be seen that not every institution provides relief to women who are undergoing the iddah period after her husband dies. YY's mother continued to work as usual after the 7th day. However, other prohibitions in the form of prohibitions on excessive decoration and preening are still carried out during the Iddah period.

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<sup>66</sup> Mrs. Yayuk, Interview, (Pakong, 04 Oktober 2021)

Then the opinion given by Mrs. KT is as follows:

*" Saya tidak memiliki alasan untuk tidak melaksanakan semua larangan dan kewajiban yang harus saya lakukan selama menjalani masa iddah. Ihdad merupakan suatu kewajiban yang harus dilaksanakan oleh wanita yang suaminya meninggal selama 4 bulan 10 hari sudah jelas disebutkan di dalam Alquran dan hadis. Terus bagaimana kita untuk tidak melakukan hal tersebut"<sup>67</sup>*

("I have no reason not to carry out all the prohibitions and obligations that I have to do during the Iddah period. Ihdad is an obligation that must be carried out by a woman whose husband died for 4 months 10 days is clear mentioned in the Qur'an and hadith. and what we are not doing that)

From the above opinion can be understood that all activities undertaken by the mother KT in accordance with what has been recommended in Islam both from the implementation of ihdad and time ihdad to do. This is in accordance with what has been mentioned in the previous chapter regarding the prohibition and timing of the ihdad period.

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<sup>67</sup> Mrs. Kautsar, Interview, (Pakong, 19 September 2021)

The supporting opinion was said by UF's mother about the implementation of ihdad that must be done by every woman whose husband died. As follows:

*"Pendapat jumhur ulama tentang hukum ihdad sudah jelas bahwa ihdad adalah wajib bagi setiap wanita yang ditinggal mati suami. Hal itu sudah sangat jelas bahwa ketika kita tidak melaksanakan kewajiban tersebut tanpa ada sebab yang jelas adalah perbuatan dosa. Dari setiap larangan tersebut juga membolehkan wanita yang berada pada masa Iddah untuk tidak melaksanakan kewajiban tersebut dengan adanya alasan yang jelas dan itu diperbolehkan."*<sup>68</sup>

(The opinion of the majority of scholars regarding the law of ihdad is clear that ihdad is obligatory for every woman whose husband dies. It is very clear that when we do not carry out this obligation without a clear reason, it is a sin. allow women who are during the Iddah period not to carry out these obligations with clear reasons and that is permissible)

From the opinion of Mrs. UF, she explained that not every obligation regulated by Islam is a very coercive thing for Muslims themselves. Islam gives leniency to everyone in certain circumstances for reasons that are also justified.

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<sup>68</sup> Mrs. Ulfa, Interview, (Pakong, 19 September 2021)

This is in accordance with what was mentioned in the previous chapter on ihdad based on the views of the schools of thought.

Judging from every opinion and explanation given by the informant regarding the implementation or implementation carried out by the informant regarding the problems discussed in accordance with Merilee S. Grindle's theory in the previous chapter where the success of implementation is influenced by several factors, namely the content of the policy and the implementation environment. These factors are the basis for the implementation in accordance with the policies made. These factors can be seen from the opinions of each information related to how they carry out ihdad in accordance with local knowledge and also the environment which has indeed implemented several things called prohibitions when doing ihdad has been done long ago.

### **C. Analysis of Findings Research**

1. Understanding of women of Died Husband died in Pakong District about Ihdad

From the data and results of interviews produced and observations made by the author, it can be used as a general description of how the understanding of people in Pakong District, especially for women whose husbands died. Their understanding of ihdad is influenced by several factors, namely educational factors and environmental factors. Of the several women whose husbands died as farmers, most of them did not understand

about ihdad but they carried out the provisions of ihdad based on the habits of the local community. The same thing was conveyed by informants who work as traders, tailors, housewives, and also those who work as workers in water factories. However, not a few people also understand about ihdad, as in the results of the interview above, there are still some people who understand about ihdad, either from ihdad in general or in more depth. From several informants who come from educational backgrounds that support them to understand what ihdad is. However, from some differences in understanding that an implementation carried out by the community can also be different.

Of all these things, nothing makes those who have a low educational background as someone who does not want to carry out what must be done, this is evidenced by several informants who do not fully understand the provisions of ihdad before their husbands die and also carry out these provisions after they understand about it.

The understanding of women whose husbands have died about ihdad which is explained through the answers to questions, the author considers not much different from the provisions of ihdad which have been explained in some literature or provisions that already exist in Islam. From an understanding of the meaning, type, history, time limit, prohibitions of ihdad, and the purpose of ihdad, it is obligatory for those whose husbands died.

From what the author got after making observations and also the results of interviews with informants, he found something that could be the basis for differences in the understanding of women whose husbands died in Pakong District, which was caused by differences in education levels. This is the main reason why the Pakong people have different understandings about something, both about ihdad or other things.

One thing that can grow one's understanding, especially about ihdad is the retelling of the context because to make those who don't really understand about ihdad it is not possible for those who are elderly to take re-education, because this is considered more difficult for women to do whose husband died at that age. Then resubmit in the right way, more impressed to provide the latest information and easier to do.

## 2. Implementation of Ihdad by Women of Died Husband in Pakong District

Implementation can simply be interpreted with the word implementation. It is often used to describe how someone does something that was previously formed or created, whether it is a policy or a rule. From the opinion of Merilee S. Grindle which states that the success of an implementation is influenced by two major variables, namely, the content of the policy and the implementation environment. If this is used as a basis for assessing success or more precisely as a measure of whether or not the implementation is carried out by the community with the existing provisions. In the context of the discussion of this research, it is aimed at

the problems of implementing Ihdad among the Pakong community. Is the implementation carried out by women whose husbands died in Pakong District with the provisions that already exist in Islam?

From these two variables, it can be seen from the contents of the policy in the form of provisions and recommendations for conducting ihdad while still in the iddah period. This is not only mentioned in the Qur'an and Al-Hadith. However, the recommendation regarding ihdad has also been mentioned in one of the sources of Islamic law in Indonesia, namely in CHAPTER XIX Article 170 paragraph (1) of the Compilation of Islamic Law, which reads as follows:

*“A wife who is left behind by her husband is obliged to carry out a period of mourning for The iddah period is a sign of condolences and at the same time guarding against the emergence of slander..”<sup>69</sup>*

As for the next variable, which is influenced by the implementation environment, it is from this implementation environment that sometimes causes good differences, in the form of differences in perception or differences in actions.

From the results of the study, the Pakong community, especially the informants as one of the women whose husband died in the Pakong District area who did Ihdad was considered not much different from the existing

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<sup>69</sup> Pasal 170 ayat 1 Kompilasi Hukum Islam.

provisions, both the provisions contained in the Qur'an and Al-Hadith . However, there are still some people who do not perform Ihdad at the appointed time. This can be seen from the explanations of the informants who mentioned various activities and also the work carried out after their husbands died, precisely when they were in the iddah period. From the author's assessment, this is not much different from the reason why the Pakong people's understanding of ihdad is different, namely by differences in education levels and also differences in the environment.

From the results of the author's research, related to how the implementation carried out by the informants above can be grouped based on the profession they do which is related to the activities carried out during the iddah period. This is because of some of the informants' statements about the activities carried out related to work, time and also the necessary needs. Looking at some of the professions carried out by the informant, it also affects the way in which Ihdad is implemented in Pakong District. From the results of the research that was produced through interviews and also the author's observations while at the research location, it was seen that for those who worked as farmers, traders, tailors, entrepreneurs, nurses, housewives and also workers in water factories, they carried out ihdad by undergoing several prohibitions which were indeed prohibited. it is in accordance with the provisions such as not to use too much make-up, not to use perfume during the iddah period. However, the provisions for not

leaving the house for 4 months and 10 days have not been fully implemented in accordance with existing regulations. As for those who are housewives, teachers at junior high schools (MTsN Sumber Bungur), and also teachers at Islamic boarding schools, they do so in accordance with the provisions that have been regulated both in the Qur'an and also in Al-Hadith.

Then these environmental factors help some people in the community to fulfill the obligation to perform ihdad, for example schools that give leave to teachers who are in the iddah period not to do offline teaching activities at school. This is a form of encouragement to women who are still in the iddah period to fulfill their obligations. This is different from the case with several institutions which still require employees and staff to work in accordance with the provisions of the institution as experienced by one of the informants who works as a nurse to continue to work as usual even though it is still in the iddah period. This proves that the environment also influences the way in which the implementation is carried out.

If we look at some of the reasons stated by the informants regarding their reasons for leaving the house during the day to meet their needs, it is also allowed by some sects to leave the house during the day and also stay home at night during the iddah period. The author sees that there is no intentional element to leave the house with the intention of just having fun, which is not considered an act of deliberate negligence. Also, those who work under a work contract also do not have the authority to request leave

for 4 months and 10 days from the institution because there is no provision on leave for women who are left behind by their husbands who are still in the iddah period. It is different for women whose conditions are pregnant and giving birth who have the right to ask for leave as stipulated in the regulations in Articles 81-83 of Law Number 13 of 2003 concerning Manpower.<sup>70</sup>

To answer the problems (leaving the house) faced by women whose husbands died in implementing the ihdad, the author will return to the fihiyyah rules as follows:

الضرورات تبيح المحظورات<sup>71</sup>

*"Mudharat justifies the prohibitions"*

rule explains something that was originally prohibited, but the prohibition eventually becomes permissible. Permissibility to do this must be on the condition that the act will cause harm or danger if you don't do it. Because in Islam, things contain harm must be eliminated. The ability to do things that were originally prohibited is a means to achieve benefit for humans. The ability to go out of the house and make up that is not excessive is allowed because the ultimate goal is to eliminate the occurrence of harm/damage in order to achieve benefit.

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<sup>70</sup> Pasal 81-83 Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan.

<sup>71</sup> Pribadi, "Ihdad Bagi Wanita Yang Ditinggal Mati Suaminya Dakam Masa Iddah, 75

Therefore, it is known that greatly affects the implementation of ihdad for women of died husband in Pakong District, environmental factors and educational factors. For convenience, author summarize in a table as follows:

**Tabel 4.2**

**Implementation of Ihdad For Women of Died Husband in Pakong District, Pamekasan Regency.**

No.	Category	Contributing Factors	Description
1.	Understand and implement	educational factor & environmental factor	Apart from the educational factor for those who understand Ihdad and Iddah, the job being undertaken is one of the environmental factors that support the implementation of Ihdad. Jobs that do not require them to leave the house and use make-up make it easier for them to implement Ihdad.
2.	Do not understand and implement	environmental factor	Most of the Pakong people have carried out a custom called Neng-Neng after their husbands died, so it is still practiced today even though some people do not know the recommendations about implement ihdad.
3.	Understand and Do not implement	environmental factor & educational factor	The implementation of Ihdad is not carried out by some people, not only because of their lack of understanding of the recommendation of Iddah and Ihdad. However, their work requires that they keep working as usual. An example: a nurse.

## **BAB V**

### **CLOSING**

#### **A. Conclusion**

Based on the data exposure and data analysis above regarding the understanding and how the implementation is carried out by women whose husbands died in Pakong District regarding the implementation of Ihdad, it can be concluded as follows:

1. The understanding of the Pakong community, especially women whose husbands have died, is influenced by two major factors, namely educational factors and environmental factors. This is because the focus of this research is aimed at women whose husbands have died in Pakong District, most of whom are elderly women, so this also affects the level of public understanding. However, from some of these objects, there are several groups of people who understand the provisions of ihdad in accordance with what has been mentioned in the Qur'an and Al-Hadith.
2. The implementation of ihdad carried out by women whose husbands died in Pakong District is in accordance with existing regulations, although there are still some people who have not fully carried out as stated in Nash, such as going out of the house during the day to do work that is usually done every day. Some sects believe that it is permissible to leave the house during the day and return home at night to meet needs. The success of the

implementation of ihdad in Pakong District is also influenced by several factors similar to those that affect the level of understanding of the Pakong community. This can be seen from several informants who have professions tied to an institution and then have obstacles to carrying out ihdad in accordance with the provisions. However, there are also a few institutions that provide waivers to women who are undergoing iddah and doing ihdad.

## **B. Suggestion**

### **1. For Women of Died Husband in Pakong District**

or women whose husbands died, especially in Pakong District, even though they have the burden of obligations as stated by the previous writer, such as work, they should continue to do Ihdad as much as possible in a way that can be done. Then do not be reluctant to ask about the problems that are being experienced, especially in the case of Ihdad, to people who understand better.

### **2. For Academics**

Academics are expected to continue to conduct research related to Islamic law, especially in Ihdad with other approaches such as historical, scientological, anthropological, or other approaches that will later be able to find new things that are more in line with conditions and situations, so as to solve all current problems. faced by women whose husbands died during the iddah period. Then it is hoped that academics will continue to

convey something that the public does not fully understand, so that the public can re-understand something that was initially only vague information.

3. For the Government and the State

It is hoped that the government or the state will also provide support for women who are in the period of iddah who are doing ihdad in the form of fulfilling the right of leave for those who are in the period of iddah, like the rights granted to women who are in the period of pregnancy, miscarriage, and breastfeeding who are pregnant. already regulated in Law Number 13 of 2003 concerning Manpower.

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## APPENDIXES



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Hal : **Permohonan Izin Penelitian**

Malang, 22 November 2021

Kepada Yth.  
Drs. Eka Judya Setiawan Kantor Kecamatan Pakong  
Duko Timur, Pakong Kabupaten Pamekasan, Jawa Timur 69352

*Assalamualaikum wa Rahmatullah wa Barakatur*

Dalam rangka menyelesaikan tugas akhir/skripsi mahasiswa kami:

Nama : Khairiyatin  
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mohon diperkenankan untuk mengadakan penelitian dengan judul :  
**IMPLEMENTATION OF IHDAH FOR WOMEN OF DIED HUSBANDS IN  
PAKONG DISTRICT**, pada instansi yang Bapak/Ibu Pimpin.

Demikian, atas perhatian dan perkenan Bapak/Ibu disampaikan terima kasih.

*Wassalamualaikum wa Rahmatullah wa Barakatur*

Scan Untuk Verifikasi



Tembusan :  
1. Dekan  
2. Ketua Prodi Hukum Keluarga Islam  
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**Research Permission letter**

**Proof of Consultation sheet**



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No	Hari/Tanggal	Materi Konsultasi	Paraf
1.	Senin, 01 November 2021	Konsultasi BAB I	
2.	Rabu, 08 Desember 2021	ACC BAB I	
3.	Senin, 01 November 2021	Konsultasi BAB II	
4.	Rabu, 08 Desember 2021	ACC BAB II	
5.	Senin, 06 Desember 2021	Konsultasi BAB III	
6.	Rabu, 8 Desember 2021	ACC BAB III	
7.	Senin, 6 Desember 2021	Konsultasi BAB IV	
8.	Rabu, 8 Desember 2021	ACC BAB IV	
9.	Selasa, 7 Desember 2021	Konsultasi Abstrak	
10.	Kamis, 09 Desember 2021	ACC Abstrak dan ACC Skripsi	

Malang, 29 Desember 2021  
Mengetahui  
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Islam

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NIP. 197511082009012003



**Picture when interview in Pakong District Office**



**Picture when interview in KUA Pakong**



**Picture when interview in Cenlecan Village Office**



**Picture when interview with Mrs. Lilik (Mrs. LL)**



**Picture when interview with Mrs. FD**



**Picture when Interview with Mrs. YY**



**Picture when interview with Mrs. DS**

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