

ANALYSIS OF THE MOURNING PERIOD (*IHDAD*) IN THE COMPILATION OF ISLAMIC LAW BASED ON SHEIKH ARSYAD AL-BANJARI'S VIEW

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Abstract: This study delves into the analysis of the mourning period, known as *Ihdad*, as stipulated in the Compilation of Islamic Law (KHI) through the lens of Sheikh Arsyad al-Banjari. *Ihdad*, a mourning period for widows, is acknowledged in the KHI as an obligation, albeit with general articles referring to detailed discussions in fiqh books. The renowned scholar and mufti, Sheikh Arsyad al-Banjari, author of *an-Nikah*, a comprehensive work on marriage, provides a unique perspective on *Ihdad*. This research explores Sheikh Arsyad al-Banjari's viewpoint on the mourning period in the KHI, revealing that his conceptualization generally aligns with the KHI. Notably, Sheikh Arsyad al-Banjari outlines prohibited actions for women during *Ihdad*. However, a distinct feature absent in the Compilation of Islamic Law is the three-day mourning period for women who have lost relatives, a provision emphasized by Sheikh Arsyad al-Banjari. The absence of this provision in the KHI raises questions about its applicability in the future, encouraging further exploration and consideration of Sheikh Arsyad al-Banjari's insights for broader legal implications.

Keywords: *Ihdad*, Sheikh Arsyad al-Banjari, Compilation of Islamic Law

Abstrak: Penelitian ini mengulas analisis periode berkabung, yang dikenal sebagai *Ihdad*, sebagaimana diatur dalam Kumpulan Hukum Islam (KHI) melalui pandangan Sheikh Arsyad al-Banjari. *Ihdad*, sebagai periode berkabung bagi janda yang suaminya telah meninggal, diakui dalam KHI sebagai suatu kewajiban, meskipun dengan pasal-pasal umum yang merujuk pada diskusi rinci dalam buku-buku fiqh. Ulama dan mufti terkenal, Sheikh Arsyad al-Banjari, penulis *an-Nikah*, sebuah karya komprehensif tentang pernikahan, memberikan pandangan unik terkait *Ihdad*. Penelitian ini menjelajahi pandangan Sheikh Arsyad al-Banjari terhadap periode berkabung dalam KHI, mengungkapkan bahwa konseptualisasi beliau umumnya sejalan dengan KHI. Namun, yang mencolok, Sheikh Arsyad al-Banjari merinci tindakan yang dilarang bagi wanita selama *Ihdad*. Namun demikian, satu hal menarik yang tidak terdapat dalam Kumpulan Hukum Islam adalah priode berkabung selama tiga hari bagi wanita yang kehilangan kerabat, suatu ketentuan yang dijelaskan oleh Sheikh Arsyad al-Banjari. Ketidadaan ketentuan ini dalam KHI menimbulkan pertanyaan tentang relevansinya di masa depan, mendorong penelitian lebih lanjut dan pertimbangan terhadap wawasan Sheikh Arsyad al-Banjari untuk implikasi hukum yang lebih luas.

Kata Kunci: *Ihdad*, Syekh Arsyad al-Banjari, Kompilasi Hukum Islam



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Introduction

Scholars with their various fatwas often decide on a problem by looking at the existing social conditions of society, so it is very interesting to analyze how far these sociological factors influence the fatwas they issue. One interesting fatwa is the fatwa on *ihdad*. *Ihdad* itself is a period when a wife mourns the death of her husband; this period lasts for four months and ten days, accompanied by prohibitions on the accompanying actions.¹ During this time, the wife should show her grief over the death of her husband. However, the obligation of *ihdad* is not only fixed on the wife but also on the husband whose wife has died, even though it differs in terms of the period so that there are no specific restrictions on the husband. One of the scholars who issued a fatwa regarding *ihdad* is Sheikh Arsyad Al-Banjari. As for the background to the selection of Sheikh Arsyad as a reference for opinion, Sheikh Arsyad al-Banjari is known as a prominent jurist who wrote many books and served as a mufti in the Banjar kingdom. Sheikh Muhammad Arsyad Al-Banjari, whose lifetime lasted from 1710- 1821 AD, was nicknamed the "Sun of Islam" from Borneo.²

In terms of marriage, Sheikh Arsyad wrote a *Nikah* book that specifically discusses marriage from the Syafii school of thought perspective. His book has become many references and continues to be studied today. The book of *an-Nikah* itself has a feature because it is written in a simple language style using Malay Arabic so that

ordinary people can understand this book. This book is considered one of the early books discussing marriage. With his experience as a Banjar royal mufti, it can be judged that his opinion and the way he writes are in harmony with society; even today, Belai's opinions are still considered relevant to the times and follow the characteristics of Indonesian society.³

Seeing the figure of Sheikh Arsyad himself, who is known in the archipelago, Thailand, Cambodia and Malaysia. Among his notable writings is the book *Sabial Muhtadin* which Muslims in these countries widely study. In addition, the book of Syekh Muhammad Arsyad al Banjar is also stored in several world-important libraries, namely in the cities of Mecca, Turkey, and Beirut. So it is appropriate for his work to be studied and researched more as an effort to preserve books by Indonesian scholars who should have contributed greatly to Islam's development in Indonesia.⁴

Various arguments will be mentioned; it shows how important this mourning period is for a wife to carry out. However, what is often forgotten is the mourning period for a husband whose wife has died. The *an-Nikah* and *KHI* books do not specifically mention the time stipulations for men, only that they are given according to decency. At first glance, this seems like an injustice where there is a gender bias between men and women where a wife whose husband has died has a mourning period. Which is quite long, namely for four months and ten days. Apart from that, he is also not allowed to use fragrances and jewelry, while for a husband whose wife has died, there is no clear mourning period—mentioned according to decency only.⁵

¹ Muhadir Saidi, Khairani Khairani, and Rispalman Rispalman, "ABSOLUTION AGAINST IHDAD BY WOMEN WHO HAVE LEAVED DEATH VIEWED FROM FIQH MUNAKAHAT (Case Study in Paya Dapur Village, East Kluet District, South Aceh District)," *Takammul: Journal of Gender and Islamic Studies and Child Protection* 9, no. 2 (February 15, 2022): 1–19, <https://doi.org/10.22373/takamul.v9i2.12608>.

² Rahmadi, "INTELLECTUAL NETWORK OF THE DESCENDANTS OF SHEKH MUHAMMAD ARSYAD AL-BANJARI," *Al-Banjari: Scientific Journal of Islamic Sciences* 9, no. 2 (October 13, 2010), <https://doi.org/10.18592/al-banjari.v9i2.927>.

³ Anwar Hafidzi, "Determination Of Sekufu In The Book Of Marriage Al-Banjari," *Sharia: Journal of Law and Thought* 21, no. 1 (April 14, 2021): 125–33, <https://doi.org/10.18592/sjhp.v21i1.6835>.

⁴ Barsihannor Barsihannor, "M. Arsyad Al-Banjari (Fighters and Spreaders of Islam in Kalimantan)," *Adabiyah Journal* 10, no. 2 (December 15, 2010): 170–81.

⁵ Moch Nurcholis, "Ihdad for Husbands in Compilation of Islamic Law Perspective of

This is certainly understandable when a husband is a backbone of the family, so he has to work to make a living. Even though many women are working today, the obligation to make a living remains on the husband's shoulders. In addition, women tend to get lost in their feelings during this long mourning period; it is hoped that women can get back up and start living again after their husbands die. Another lesson that can be learned from the difference in the ihdad period is that a wife can ensure the cleanliness of her womb from the husband's seed; if this period of mourning does not exist, then it is feared that if the husband's seed that has died is still there and growing in the wife's womb then things the thing that is feared could arise if he remarries during this period, which could confuse the lineage of the children later.⁶

Apart from ihdad for husband and wife, sheikh Arsyada al-Banjari also explains that a woman has an ihdad period when her relative dies. Even though it is unclear which relatives are mentioned, it can be judged that relatives also experience grief. Therefore, the mourning period is only three days. In KHI itself, the issue of ihdad is regulated in a special chapter, namely chapter 19, where two articles specifically discuss ihdad, namely the ihdad period for a wife, which is carried out the same as her iddah period and the husband's hadad period which is carried out according to decency.⁷ Meanwhile, sheikh Arsyad Al-Banjari explained further about the time of

mourning and various restrictions on women during this ihdad period. Therefore, it is necessary to further analyze the concept of ihdad in the Compilation of Islamic Law. Because KHI is a positive Islamic law that applies in Indonesia, it is necessary to explain more deeply about this ihdad. So with this research, it is hoped that it will provide input and changes to KHI itself.

Several previous studies discuss this ihdad case. From the results of the study, research was taken that specifically discussed this ihdad, such as the research compiled by Ahmad Fahru in 2016 with the title "Iddah and Ihdad for Career Women (Perspectives on Islamic Law and Positive Law)." This research examines the provisions of iddah and ihdad from the perspective of Law No. 1 of 1974 and the Compilation of Islamic Law and discusses the leniency of Islamic law regarding iddah and ihdad for career women. The author uses a comparative method, namely comparing iddah and ihdad provisions from the point of view of Islamic law and positive law.⁸

It is stated that iddah and ihdad are obligations that a wife must carry out. However, regarding the prohibitions accompanying it, it must follow the personal conditions of the woman who does it. In addition, iddah and ihdad for women are to avoid slander and respect the death of the husband who left him. Furthermore, there is research compiled by Muhammad Yalis Shokhib in 2010 titled "Ihdad for Women in Compilation of Islamic Law (A Gender Analysis)". This research examines the issue of ihdad for women based on the Compilation of Islamic law from a gender-based perspective and is accompanied by a discussion of the contextuality of 'urf ihdad for women in the Compilation of Islamic Law. The author, in his research, uses analytical methods in discussing the issue of ihdad based on KHI. It is stated that the

Maqasid Al-Shariah," *FALASIFA : Journal of Islamic Studies* 8, no. 2 (2017): 214–28, <https://doi.org/10.36835/falasifa.v8i2.57>.

⁶ Yudi Arianto, Muhammad Za'im Muhibbulloh, and Rinwanto, "Ihdad Husband's Perspective of Masalah Mursalah," *The Indonesian Journal of Islamic Law and Civil Law* 3, no. 1 (April 26, 2022): 91–108, <https://doi.org/10.51675/jaksya.v3i1.196>.

⁷ M. Kholid and Abdul Aziz, "Problematics of Iddah and Ihdad (According to the Syafi'i and Hanafi Schools)," *Al-Insyiroh: Journal of Islamic Studies* 1, no. 1 (February 27, 2015): 117–33, <https://doi.org/10.35309/alinsyiroh.v1i1.3344>.

⁸ Ahmad Fahru, "Iddah and Ihdad of Career Women : Perspective of Islamic Law and Positive Law," December 31, 2015, <https://repository.uinjkt.ac.id/dspace/handle/123456789/29585>.

provisions on ihdad based on gender studies on the Compilation of Islamic Law (KHI) are not gender biased, because it is stated in article 170 of the KHI that ihdad is an obligation that both men and women must carry out.⁹

Then the research was compiled by Dita Nuraini in 2018 and titled "Ihdad for Career Women According to the Views of UIN Raden Intan Lampung PGSA Managers." This study examines the issue of ihdad for career women based on Islamic law and opinions from the management of UIN Raden Intan Lampung. The author uses the interview method to obtain data by making UIN Raden Intan the research location. It is stated that women's rights in ihdad are equal to men's. A career woman can still carry out her activities outside the home as long as she adheres to the restrictions; these restrictions are that she is prohibited from approaching or being approached by men during the ihdad period. Decorating and wearing jewelry is done solely for work purposes, not to attract men's attention.¹⁰

From the review that the author did of the scientific works above. So it can be said that this research has an element of novelty in terms of substance to the legal issues to be discussed. In addition, the author found that no one had specifically discussed the period of ihdad according to sheik Arsyad Al-Banjari; this would certainly be an opportunity to further introduce his opinions and writings on the issue of ihdad; on the other hand, the Compilation of Islamic Law which is the reference for ihdad in the present is considered to have things that are not perfect so that this research is expected to add to the treasury and help perfect Islamic law in Indonesia.

⁹ Muhammad Yalis Shokhib, "Ihdad for women in Compilation of Islamic Law: A gender analysis" (undergraduate, Maulana Malik Ibrahim State Islamic University, 2010), <http://etheses.uin-malang.ac.id/7041/>.

¹⁰ DITA NURAINI, "IHDAD FOR CAREER WOMEN ACCORDING TO THE VIEWS OF PSGA MANAGERS UIN RADEN INTAN LAMPUNG" (Undergraduate, UIN Raden Intan Lampung, 2018), <http://repository.radenintan.ac.id/3279/>.

Literature Review

In Islamic law, this form of mourning is known as ihdad, which comes from the word ihdad حداد which means mourning. Besides that, ihdad has a connotation with the word امتناع which means to prevent. As for Ihdad in terminology, it is the prohibition of a woman from adorning herself for a particular period and under certain conditions as well, then this ihdad is the prevention of a woman from living in a place other than her residence.¹¹

So that ihdad can be understood as a period of mourning carried out by a spouse who has passed away, it is different if the couple is separated while still alive, which is known as talaq, khulu' or divorce, which only has an iddah (waiting) period, in separation that occurs as a result of being left behind. When the couple dies, the couple not only carries out the iddah (waiting period) but also has to carry out the ihdad (mourning period) as a form of the grief they experience. Thus, Ihdad is a prohibition against wearing fragrances, jewelry, and other things related to women's limbs, but beautifying the bed, curtains, household appliances, and others is still permissible as long as it is not related to limbs. Ihdah is divided into 2 types, as shown in the table below,¹²

No	Ihdad type	Ihdad Law
1	Ihdad Divorce	This category is also divided into two categories with their own laws: First, divorced women who have not had intercourse. The law

¹¹ Samsul Arifin, "Ihdad for Women in Compilation of Islamic Law (A Gender Analysis)," *Lex Jurnalica* 12, no. 3 (2015), <https://ejurnal.esaunggul.ac.id/index.php/Lex/article/view/1222>.

¹² Waliko Waliko, "THE CONCEPT OF IDDAH AND IHDAD FOR CAREER WOMEN WHO HAVE BEEN LEAVED BY HIS HUSBAND," *Yinyang: Journal of Gender and Children Islamic Studies* 10, no. 1 (2015): 1–14.

No	Ihdad type	Ihdad Law
		is that he is not obliged to undergo the iddah period. Second, women who have been divorced and have had intercourse. If a woman is pregnant, her iddah period is until she gives birth to her womb. However, if the woman is not pregnant, then two possibilities may occur. First, she is menstruating. In this case, the iddah period is three menstrual cycles. Then if she does not experience menstruation (monopouse), her iddah period is three months.
2	Ihdad Death	The iddah period for a woman whose husband has died also has several legal categories: First, the woman is not pregnant. In this condition, the iddah period is four months and ten days. Second, women who are pregnant. The iddah period is until she gives birth to her womb.

Methods

The type of research used is based on normative or legal research, namely by examining the applicable legal provisions through library research. Moreover, based on secondary data obtained from various previous studies.¹³ The approach in this study uses statutory regulations, namely in Islamic law, that have been officially applied in Indonesia, specifically regulations that regulate marriage in Indonesia.¹⁴ The primary

¹³ Kusdiyana, Samsudin, and Muhammad Wildan Nur Akmal, "Accuracy of Qibla Direction Mosque at Rest Area Toll Road on the Qibla Jurisprudence Perspective," *NUSANTARA: Journal Of Law Studies* 2, no. 1 (March 19, 2023): 31–39.

¹⁴ Robi Musthofa Al Ghazali, "Boarding House Rent Refunds During Covid 19 Based On Sharia Economic Law," *Journal of Nusantara Economy* 1, no. 1 (December 10, 2022): 38–47.

legal sources used in analyzing the formulation of the problem are the Compilation of Islamic Law (KHI) as positive Islamic law that regulates marriage cases and the book of an-Nikah written by sheik Arsyad al-Banjari as a monumental work by a well-known scholar which discusses marriage in detail from the perspective of Shafi'i madhhab. In terms of search techniques for legal materials using literature research (*library research*), namely by studying various reading sources and regulations governing ihdad issues and adding internet site searches. Technical analysis of legal materials is then analyzed using qualitative methods,¹⁵ and existing legal materials are analyzed, described, and then classified using a descriptive method so that the legal issues can be decomposed properly.¹⁶

Result and Discuss

Terms and Rules of Ihdad Law

Marriage is a strong bond (*mitsaqan Ghalizan*) between husband and wife, not just justifying a husband and wife relationship,¹⁷ furthermore, marriage is defined as an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household). based on Belief in the One and Only God¹⁸ (UU NO 1 of 1974).

¹⁵ Wahyu Ziaulhaq, "Buying and Selling Used Clothing: An Islamic Economy Law Perspective," *Journal of Nusantara Economy* 1, no. 1 (December 10, 2022): 29–37.

¹⁶ Muhammad Kurtubi, "Child Playing Online Game in the Sadd Al-Zari'ah's Perspective," *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 14, 2022): 9–20.

¹⁷ Ru'fah Abdulah, "MARRIAGE IN ISLAM: DEMAND AND PROBLEMS," *Al Qalam* 20, no. 97 (June 30, 2003): 97–124, <https://doi.org/10.32678/alqalam.v20i97.647>.

¹⁸ Muhammad Yunus Samad, "Journal of Marriage Law in Islam," *Istiqra' : Journal of Islamic Education and Thought* 5, no. 1 (2017), <https://jurnal.umpar.ac.id/index.php/istiqra/articel/view/487>.

¹⁹Marriage aims to form a harmonious couple in order to produce a family that is sakinah, mawaddah and warahmah and is expected to be able to give birth to intelligent, pious and virtuous people. In a marriage, the husband and wife have tied the knot to be able to wade through the marriage ceremony together. But it is undeniable that death is also what separates this relationship. Supposedly when a partner dies, the other partner shows sorrow for his passing.²⁰

The obligation of ihdad itself goes hand in hand with the obligation of iddah, as mentioned in the word of Allah SWT:

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

"Those who die among you leaving their wives (let the wives) suspend themselves (iddah) for four months and ten days. Then when their iddah has expired, then there is no sin for you (the saints); let them do to themselves according to what is appropriate. Allah knows what you do." (QS Al- Baqarah (2): 234)

During this iddah period, a woman is prohibited from remarrying; during this period, she is obliged to carry out the ihdad (mourning period).²¹ Based on the agreement of the Ulama, in this hadith,

¹⁹ Faiz Zainuddin and Imam Syafi'i, "Environmental Jurisprudence; Environmental Preservation Efforts In Islam," NUSANTARA: Journal Of Law Studies 2, no. 1 (March 18, 2023): 23-30.

²⁰ Muhammad Zainuddin Sunarto and Karmilah Liana, "INTERACTION OF IDDAH WOMEN THROUGH SOCIAL MEDIA," JURNAL ISLAM NUSANTARA 4, no. 2 (January 1, 2021): 160-71, <https://doi.org/10.33852/jurnalin.v4i2.220>.

²¹ Hud Leo Maki, "The Relevance of the Provisions of the Compilation of Islamic Law Regarding the Mourning Perspective of Mubilah," *Istinbath: Journal of Law* 18, no. 2 (January 12, 2022): 388-408, <https://doi.org/10.32332/istinbath.v18i2.4019>.

there is no ihdad period for men. Moreover, on this basis, it shows that for a woman, there is no ihdad if they are divorced raj'iy.

²²However, Imam Syafi'i thinks that it is sunnah for women who are divorced to raj'iy to carry out ihdad if there is no hope between the husband and wife to be reconciled.

حَدَّثَنَا الْقَعْنَبِيُّ عَنْ مَالِكٍ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ عَنْ حُمَيْدِ بْنِ نَافِعٍ عَنْ زَيْنَبِ بِنْتِ أَبِي سَلَمَةَ أَنَّهَا أَخْبَرَتْهُ بِهَذِهِ الْأَحَادِيثِ الثَّلَاثَةِ قَالَتْ زَيْنَبُ دَخَلْتُ عَلَى أُمِّ حَبِيبَةَ حِينَ تُوُفِّيَ أَبُوهَا أَبُو سُفْيَانَ فَدَعَتْ بِطَبِيبٍ فِيهِ صُفْرَةٌ خُلِقَ أَوْ غَيْرُهُ فَدَهَنَتْ مِنْهُ جَارِيَةً ثُمَّ مَسَّتْ بِعَارِضِيهَا ثُمَّ قَالَتْ وَاللَّهِ مَا لِي بِالطَّبِيبِ مِنْ حَاجَةٍ غَيْرَ أَنِّي سَمِعْتُ رَسُولَ اللَّهِ -صلى الله عليه وسلم- يَقُولُ « لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ أَنْ تُحِدَّ عَلَى مَيِّتٍ فَوْقَ ثَلَاثِ لَيَالٍ إِلَّا عَلَى زَوْجِ أَرْبَعَةِ أَشْهُرٍ وَعَشْرًا ».

"Has told us Al Humaidiy, has told us Sufyan, has told us Ayyub bin Musa said, has informed me Humaid bin Nafi 'from Zainab bint Abu Salamah said, When the news of Abu Sufyan's death reached the land of Sham, Umm Habibah radhiallahu'anha asked for perfume on the third day then applied it to her sides and arms and said, Really for me this would have been enough had I not heard the Prophet ﷺ say, 'It is not lawful for a woman who believes in Allah and the Last Day to mourn for more than three days unless If her husband dies at that time, she may mourn for up to four months and ten days."

Zainab continued her explanation, "I once heard my mother, Umm Salamah radhiallahu anha, say, A woman met the Prophet sallallahu alaihi wa sallam. He said, 'O Messenger of Allah, my daughter's husband has passed away. Meanwhile, my daughter complains of pain in her eyes. Can we put kohl on her eyes?" No,' replied Rasulullah shallallahu alaihi wa sallam two or three

²² Muhammad Fitri Adi, "Hadhonah Rights of Children (Not Mumayyis) Based on Compilation of Islamic Law and Child Protection Act," NUSANTARA: Journal Of Law Studies 2, no. 1 (March 15, 2023): 9-22.

times. After that, he said, "The period of *ihdad* is only four months and ten days. In the past, during the ignorance era, one of your women underwent *ihdad* for one year."

Humai asked what is meant by one year, then Zainab replied that during the Jahiliyya period, if a wife whose husband died, she entered her little room and wore worn-out sandals and may not wear perfume not wear a single piece of clothing until one year is completed. Imam an-Nawawi *Rahimahullah* said, "In this hadith, there is an argument for the obligation to marry for women who undergo *iddah* because their husband has died. This is also generally agreed upon, although some scholars have disputed the details. Then *ihdad* is obligatory for every woman who undergoes *iddah* due to the death of her husband, whether she has had sexual intercourse with her husband or not, whether the wife is young or has reached puberty, whether the wife is a girl (when her husband married) or is already a widow. Whether free women or enslaved people, as well as Muslim women or non-Muslim women. This is the school of Imam ash-Shafi'i *Rahimahullah*.²³

In explaining the hadith about *ihdad* in the book *'Ainul Ma'bud*, Syamsu al-Haq uses the *tahlili* method. He explained in detail the meaning of the string of words in the hadith. Syamsu al-Haq explained the people involved in the hadith. She is Umm Habibah, the daughter of Abi Sufyan or Ummul Mukminin ra. Then he also explains other words in the hadith with explanations or another language that is easy to understand. For example, *tsumma massat bi'aridhoiha* means something around the face above the chin but does not reach the ears. Thus, Syamsu al-Haq, in his lectures on hadiths, uses language that is easier to understand to clarify the language used in hadiths.²⁴

²³ Fatimah Shalihah and Muhammad Miftah Irfan, "Jasser Auda's Maqasid Sharia Application in the 'Iddah for Career Women," *Al-Qisthu: Journal of Legal Studies* 20, no. 1 (June 19, 2022): 12–26, <https://doi.org/10.32694/qst.v20i1.1270>.

²⁴ Nayla Na'imatur Rizkiyah, "REPRESENTATION OF HADITH I Ḥ DÂD NO. 2301: Study of the Book of 'Awn al-Ma'bûd Shar ḥ

Furthermore, in explaining the hadith, Syamsu al-Haq also pays attention to grammar (*nahwu shorof*), for example, in explaining the word *an tuhidda*. Namely *dhomah* above and *kasroh* under the letter *ha'* (*tuhidda*) or *fathah*, *dhomah* or *kasrah* on *ha'* (*tahudda*, *tahidda*) can be interpreted as leaving oneself from jewelry and perfumes. Syamsu al-Haq also explains the hadith using several opinions. As *lafadz ila 'ala zauji arba'ata asyhuri wa 'asyra*. In this case, the opinion of al-Nawawi is taken. According to al-Nawawi, this *lafadz* is the argument for the obligation of *ihdad* for women who experience an '*iddah* period because their husband dies.²⁵ However, there are differences of opinion in explaining detailed matters, namely regarding the obligatory '*iddah* for a woman whose husband dies either before marriage or when she is old, small or large, widow or girl, a free or enslaved person, Muslim or infidel, and this is an opinion of the Imam Shafi'i school. Meanwhile, according to Abu Hanifah and the Kuffah expert Abu Tsauri and some followers of the Maliki school of thought, it is not obligatory for women who are experts in the book, but specifically for Muslim women, based on the argument of Rasulullah SAW: "it is not lawful for women who believe in Allah, namely women who are believers".

The existence of *Ihdad* itself is also a form of respect for the wife for the death of her husband and a manifestation of grief, it can also be understood as a preventive measure for a woman in maintaining her chastity so as not to be approached by other men like another meaning of *ihdad* itself which connotes *imtina'* (prevent).²⁶ Because

Sunan Abû Dâwud by Mu ḥ ammad Shams al- Ḥ aq al-'A ḡ im," *Diya Al-Afkar: Journal of Al-Quran and al-Hadith Studies* 8, no. 02 (December 31, 2020): 281–94, <https://doi.org/10.24235/diyaafkar.v8i02.6172>.

²⁵ Suryaningsih, "Impact of Gadget Addicts on Family Harmony Perspective of Islamic Law," *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 16, 2022): 50–64.

²⁶ Meta Riskia, "Implementation Of Mudharabah Financing On Baitul Maal According

in these times, a wife is most likely to have conceived a seed from intercourse with a husband who has died.

Because the existence of this *ihdad* period, which coincides with the obligation of *iddah*, also forbids the wife from approaching or being approached by other men. So, of course, it is very wise for a wife to subdue herself from other men, let alone get married or have sex with her new husband, because there are fears that doubts will arise about whose seed will then make the wife pregnant, relationships with her new husband can obscure the lineage of the child who will be born later.

The effects of blurring or lack of clarity on a child's lineage can have long-term implications when the child is married. It is feared that the father who married her if the child is a woman later turns out to be not her birth father, ²⁷because she is still the result of a relationship with a husband who died before. In the matter of inheritance, the part of the inheritance received can cause errors if this is allowed. So one can realize how important this *ihdad* period is for a wife, not only as a form of grief over her husband's departure but also to ensure the cleanliness of her womb and the status of the child she will bear.

***Ihdad* According to Compilation of Islamic Law**

Islamic law in Indonesia also pays attention to matters of mourning for wives, as contained in the Compilation of Islamic Law, which is the basis of reference, especially for religious court judges in deciding cases. The Compilation of Islamic Law states that a wife whose husband dies is obliged to mourn during the *iddah* period as a sign of condolence. However, something interesting about the Compilation of Islamic Law is that a husband whose wife dies also performs *ihdad* or mourning. Women who

violate or do not do various things ordered in this *ihdad* she is guilty of leaving the *ihdad* only because of a certain need or danger. Moreover, the woman has ambitions and interests in her life which she lived during the *Iddah* period when her husband died. ²⁸In the Compilation of Islamic Law itself, it is stated in Article 170: first, a wife whom her husband abandons is obliged to carry out a period of mourning during the *iddah* period as a sign of condolences and, at the same time, prevent slander from arising. Second, according to propriety, a husband whose wife has left carries out a period of mourning.²⁹

The Compilation of Islamic Law itself does not explain the various actions that are forbidden to be carried out by women during this period of mourning; only their obligations are mentioned, so there are deficiencies that are considered quite problematic because if the obligation of *ihdad* is mentioned but not with an explanation of the prohibition on their actions, then the community only understands that during this period in this mourning, he cannot just marry. Even though this essence is more appropriate to *iddah*, while *ihdad* has a much higher level, it is felt necessary to include an article regarding the prohibitions during this *ihdad* period. The term "according to decency" in KHI shows that local cultural values are the basis for establishing law.³⁰

²⁸ Musda Asmara and Lilis Sahara, "Problems with Choosing a Mate in Islam for People Who Choose a Mate through Social Media," *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 16, 2022): 40–49.

²⁹ Andi Herawati and Mukhlis Mukhtar, "IDDAH AND IHDAD OF CAREER WOMEN IN THE PERSPECTIVE OF ISLAMIC SHARIA," *Tomalebbi Journal* 9, no. 2 (September 3, 2022): 132–42.

³⁰ Muhammad Syukri Albani Nasution, Hasbullah Ja'far, and Ismail Marjuki Harahap, "IMPLEMENTATION OF IHDAD FOR WIFE WHO STAYS DEAD ACCORDING TO THE SYAFI'I MAZHAB (CASE STUDY IN PERCUT SEI TUAN DISTRICT, DELI SERDANG DISTRICT)," *Al-Mashlahah Journal of Islamic Law and Social Institutions* 8, no. 02 (November 18, 2020): 265–86, <https://doi.org/10.30868/am.v8io2.968>.

To Majelis Ulama Indonesia," *Journal of Nusantara Economy* 1, no. 1 (December 9, 2022): 1–13.

²⁷ Muhamad Imam Muddin, "Inheritance System Mayorat on the Komering Tribe in Urf Perspective," *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 16, 2022): 21–32.

In the context of a wife whose husband dies, the iddah and ihdad (mourning) periods are not only an obligation but also important to go through so that slander does not arise in society. The ihdad period is actually a manifestation of the wife's condolences for the calamity that befell her. So that during this period of mourning a woman does not immediately start looking for a replacement for her husband who has died. So all the restrictions that exist are basically to avoid slander that can arise. Because it is possible for a woman not to carry out a marriage during this period of mourning³¹ but have approached or been approached by another man, then this is very unethical. Therefore, various prohibitions appear to be physical but have meaning and wisdom in them.

It must be remembered that in the Compilation of Islamic Law (KHI) Article 170 paragraph (2), there is also a mourning period for husbands carried out according to decency. Meanwhile, when the husband dies, there are strict rules; namely, the wife must show a deep sense of sorrow for the death of her husband. However, it seems that there is a construction that does not apply equally to men when the opposite occurs. So it seems as if the Compilation of Islamic Law (KHI) still targets women to be regulated more strictly than men, and these rules limit their space for movement.³²

It is different from the Compilation of Islamic Law, which does not explain clearly the mourning period but only explains that if there is a wife whose husband dies, then she is obliged to carry out the mourning period during the iddah period, which is four

months and ten days, but does not mention what should be left behind. During this period of mourning, the most important thing is that the wife grieves for the death of her husband. Meanwhile, Sheikh Muhammad Arsyad Al Banjari, in the book *an-Nikah*, explains at length what should be left by the wife when her husband dies.³³ But on the contrary, when his wife died, Sheikh Muhammad Arsyad did not mention the prohibitions that the husband must avoid when his wife dies.³⁴ However, the KHI explains that when a husband is left by a wife who has passed away by Allah's mercy, the husband participates in the mourning period for the death of his wife, the period of which is also not stated but carried out according to decency, even here KHI does not explain this decency whether according to the customs of the local community or according to the end. He is grieving over the departure of his wife.³⁵

When examined from various angles in formulating KHI, this is identical to classical fiqh, which, as is understood, uses commonly used methods³⁶, from references to the clergy's opinions and various workshops held to formulate this regulation. Regarding ihdad for a man himself, the time

³¹ khairudin Khairudin, "The Practice of Buying and Selling Black Market Goods on The Perspective of Islamic Economic Law," *NUSANTARA: Journal Of Law Studies* 1, no. 1 (2022): 77-85.

³² Norcahyono Norcahyono, "CONSTRUCTION OF THE MARRIAGE CONTRACT (IJAB AND CONSENT) IN KITĀB AL-NIKĀH BY MUHAMMAD ARSYAD AL-BANJARI," *Al-Ahwal: Journal of Islamic Family Law* 14, no. 2 (December 31, 2021): 214-27, <https://doi.org/10.14421/ahwal.2021.14208>.

³³ Moh Fahimul Fuad, "NOMENKLATUR PEMIKIRAN HUKUM SYAIKH ARSYAD AL-BANJARIY:," *As-Salam: Jurnal Studi Hukum Islam & Pendidikan* 2, no. 2 (October 16, 2013): 75-94.

³⁴ Yusi Tasika and Giyarsi Giyarsi, "The Effectiveness of the Discussion Method to Increase Students' Understanding and Activeness in Islamic Religious Education Subjects," *Nusantara Education* 1, no. 1 (December 15, 2022): 81-93.

³⁵ Muthiah Algarnisah and Fathul Chodir, "CERAI GUGAT KARENA HIPERSEKS PERSPEKTIF MAQA>S{ID AL-'USRAH (Studi Putusan Nomor 0060/Pdt.G/2020/PA.Jbg Di Pengadilan Agama Jombang)," *SAINTIFIKA ISLAMICA: Jurnal Kajian Keislaman* 9, no. 2 (2022): 201-225.

³⁶ Ma Abdullah, "Ihdad Wanita Karir (Tenaga Pendidik Pegawai Negeri Sipil) Perspektif Ulama Kontemporer Kota Lhokseumawe," *Syarah: Jurnal Hukum Islam & Ekonomi* 10, no. 2 (2021), accessed March 24, 2023, <https://journal.iainlhokseumawe.ac.id/index.php/syarah/article/view/217>.

is not stated in detail ³⁷because men are different from women; he does not need to wait to see his purity. This is a form of mourning. Moreover, a man who incidentally is the backbone of the family, the ihdad period is not mentioned in detail, so the task of the breadwinner continues. Even though many women work nowadays, the obligation of ihdad and the prohibitions that accompany it are still carried out by him as an obligation to him. Even though nowadays there is a fatwa that allows women to wear makeup because they work. In essence, the obligation of ihdad remains binding on both men and women.

At present, many studies bring equality in attitude and equality. Indonesia is one country that pays special attention to finding this ihdad regulation. Among others:

- 1) A woman whose husband has left her must carry out mourning as a sign during Iddah and simultaneously avoid the appearance of slander. In other words, the mourning period referred to in Article 170 KHI is a waiting period where a woman can remarry after carrying out this waiting period. Ihdad is also helpful in avoiding slander; this obligation is like both the Al-Qur'an and the hadith of the Prophet, who say the time for these days is four months. And ten days of mourning, according to KHI's statement in Chapter XIX article 170.³⁸
- 2) Husbands who have been abandoned by their wives undergo this mourning period with dignity. From this article, it can be concluded that men and women have equal value in the eyes of the law. At the same time, this statement shows that the mourning period is prescribed

to be carried out in general, not only for women who have to go through ihdad but also for men.³⁹

- 3) The period of Iddah is not generally determined to be the same as Ihdad because it is different from Iddah; Iddah shari'a is a sense of purity, while Ihdad is respect for a spouse who has died. However, it cannot be denied that iddah only applies to women as a form of maintaining their chastity. The ihdad shows that the husband is encouraged to do the same thing as the wife when her husband dies. However, it does not explain further about ihdad, which is addressed to men, because ihdad is given to women, which thus can have a positive impact on women themselves, because it cannot be denied that the Islamic legal system is beneficial to their people.⁴⁰

Historically, Ihdad is part of the pre-Islamic tradition. For any Arab woman whom her husband or family members abandon, she must lock herself in a room, become isolated, cannot go out, and cannot wear nice clothes in the room. It is explained that the smell of the body of a person who is in ihdad is horrible, and no one wants to approach him, so if he leaves the house, he will be attacked by crows because it smells of carrion, and ihdad goes on for a very long time. This condition is different from Islam, which makes rules regarding ihdad in order to lead to benefit. The following are some of the goals and wisdom prescribed by ihdad, as shown in the table below:⁴¹

Table 2. wisdom is prescribed by ihdad

³⁷ Dwi Astuti Wahyu Nurhayati and Novi Tri Oktavia, "Relevance Of Al Mawardi's Reflection In The Development Of Islamic Economic Activities," *Journal of Nusantara Economy* 1, no. 1 (December 10, 2022): 48–58.

³⁸ Efiana Nur Inayah and Mahir Amin, "Pelaksanaan Pasal 170 Ayat 2 Kompilasi Hukum Islam Terhadap Masa Berkabung Bagi Suami Di Desa Ngimbang Kecamatan Palang Kabupaten Tuban," *AL-HUKAMA': The Indonesian Journal of Islamic Family Law* 7, no. 1 (June 21, 2017): 100–121.

³⁹ Ahmad Khoiri and Asyharul Muala, "Iddah and Ihdad for Career Women from Islamic Law Perspective," *Journal of Islamic Law (JIL)* 1, no. 2 (August 31, 2020): 256–273.

⁴⁰ Wahibatul Maghfuroh, "Iddah Dan Ihdad Bagi Wanita Karir menurut Pandangan Hukum Islam," *IUS: Jurnal Ilmiah Fakultas Hukum* 9, no. 01 (June 1, 2021): 1–13.

⁴¹ Ahmad Muslimin, "Iddah Dan Ihdad Wanita Modern: Iddah Dan Ihdad Wanita Modern," *Jurnal Mahkamah : Kajian Ilmu Hukum Dan Hukum Islam* 2, no. 2 (December 27, 2017): 217–234.

No	Wisdom of Ihdad	Information
1	Tarkul Ma'asyi	So that women do not approach or be approached by men. These two things are a form of <i>sad aldzari'ah</i> , closing the road to the haram. The way in question is the interaction between women who are iddah and men and makeup.
2	Ta'abud	As a form of ta'abud, namely worship that is solely carried out because of Allah SWT, even though it is unacceptable to reason in plain view. For example, for a woman, even though she has not had intercourse with her husband, then her husband dies, she is still obliged to undergo a waiting period, even though it is certain that she cannot have a seed in her womb.
3	Barotuh Rohmi	Knowing how clean a woman's womb is, it does not mix between the offspring of one person and another. Taking care of lineage/heredity is one part of <i>Islamic law's maqashid sharia /objectives</i> .
4	Ta'dhiman lil Mar'ah	Ihdad is a form of respect for women whose husbands have died. Ethically, a woman who immediately marries when her husband dies will get a negative impression and be labeled as a bad woman by society

Ihdad in The Compilation of Islamic Law (KHI) Based on Sheikh Arsyad al-Banjari's View

Sheikh Muhammad Arsyad Al Banjari ⁴², regarding this ihdad, explained that mourning is obligatory during four months and ten days of iddah. Sheikh Muhammad Arsyad al Banjari explains in detail in his book *An-Nikah*: "It starts with the obligatory ihdad for a woman whose husband's death is still within her iddah, which is 4 months and 10 days. So the meaning of ihdad is to give up wearing cloth stamped with the color that is qasad with jewelry and if the cloth is dyed first rather than woven or even if it is rough, and to leave wearing jewelry made of gold and silver and cloth during the day such as bracelets and rings and keroncong and *samban* rather than pearls or other things. ⁴³Moreover, give up using odors on the body and cloth and food and kohl and give up using oil for hair on the head and leave using kohl with jewelry like *Asmad* and even if there is black body color, and if there is no black or yellow kohl even if it smells bad, but because it is a medicine for sore eyes, she should wear kohl at night, and she should wipe it off during the day.⁴⁴ Moreover, they left wearing the hani. Moreover, if leaving a woman whose husband's death will be ihdad during her iddah period, she will be disobedient because she left the obligation. If the period of 4 months and 10 days passes, then her iddah will pass, and if she leaves even that ihdad, and ihdad must be for a woman whose relative or master dies, it is only 3

⁴² Abdul Hadi, "HISTORY AND MNGENAL KARANGAN KARANGAN SYEKH MUHAMMAD ARSYAD AL BANJARY," *Research Proceedings of UNISKA MAB Lecturer*, no. 1 (September 20, 2022), <https://doi.org/10.31602/ppdu.voi1.8123>.

⁴³ Wahyuziaulaq Wahyu and Ahmad Azmi Perkasa Alam, "Interfaith Marriage Perspective of Fiqh Law and Positive Law," *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 16, 2022): 33–39.

⁴⁴ Sarmiji Sarmiji et al., "UNDERSTANDING AND LEGALITY OF DIVORCEMENT BY THE BANJAR COMMUNITY AND ACCORDING TO THE NIKAH KITABUN SYAIKH ARSYAD AL-BANJARI," *JOURNAL OF LAW AND NATION* 2, no. 1 (January 30, 2023): 20–31.

days, no more."⁴⁵

In understanding this text, some words sound foreign, such as *asmad* and *saman*, jewelry-like bracelets that ancient women often wore. Sheikh Arsyad, in explaining *ihdad* himself, is no longer focused on definitions both in etymology and terminology,⁴⁶ he also does not include supporting arguments such as verses from the Koran and hadiths of the Prophet Muhammad, unlike most other scholars who explain in detail and detail about a The case starts with its understanding both in language and terms, the supporting arguments to the interpretation.⁴⁷ Sheikh Arsyad in this book does not only discuss *ihdad*, but aspects of his marriage immediately enter into the content of the material concisely and straightforwardly; this is understandable because, as a mufti of the Banjar kingdom, his work must be easily understood by all society from various walks of life.⁴⁸

This is to avoid misunderstandings and multiple interpretations of the statements he wrote. This is also the reason why Sheikh Arsyad wrote his books in Malay Arabic to make it easier for people to study them. The prohibitions mentioned are the prohibition on using a cloth with the color of the *qasad*, which has a color that is in harmony with jewelry, such as gold and silver colored cloth, the prohibition on using jewelry in various forms, either in the form of bracelets

or rings made of gold or silver.⁴⁹ There is also a ban on using fragrances and hair oil. Women are also prohibited from wearing *hani*, or some use nail polish nowadays. This is not intended to disgrace a woman's appearance but as a form of respect for her husband's death and to avoid attracting interest from other men during this time of mourning.⁵⁰

Furthermore, Sheikh Arsyad allows eye shadow at night and even then as a medicine for healing his eyes, so the woman is still prohibited from using eye shadow during the day. A woman who does not comply is considered disobedient for neglect of duty.⁵¹ One more category of *ihdad* is mentioned, if *ihdad* generally applies to a wife whose husband dies, but in her explanation, Sheikh Arsyad also explains about the *ihdad* of a woman whose relative has died, namely for three days. For the death of a relative, a woman who mourns for three days cannot be more. When a woman is mourning for another person, this should not prevent the husband from having sex with his wife.⁵²

Conclusion

According to the view of Sheikh Arsyad al-Banjari regarding *ihdad*, it is carried out during the *iddah* period, namely four months and ten days. This period includes various

⁴⁵ Mahlidin Mahlidin, "The Book of An Marriage by Sheikh Muhammad Arsyad Al Banjari, Marriage Law No. 1 of 1974 and KHI (Comparative Study)" (masters, Postgraduate, 2016), <https://idr.uin-antasari.ac.id/6713/>.

⁴⁶ Abdul Hakim, "Maxim Law Fiqh And Its Application During The Covid-19 Pandemic," *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 14, 2022): 1–8.

⁴⁷ Vincentius Setyawan, "Pancasila As A Philosophical Basis Of Law Formation In Indonesia," *NUSANTARA: Journal Of Law Studies* 2, no. 1 (March 15, 2023): 1–8.

⁴⁸ Muhammad Shabirin Firdaus, "Practice of Implementing *Ihdad* for Career Women," *Sakina: Journal of Family Studies* 6, no. 2 (April 11, 2022), <https://doi.org/10.18860/jfs.v6i2.1333>.

⁴⁹ Maulana Iqbalwa, "Practice Brokerage Services for the Sale and Purchase of Coffee from the Perspective of Syari'ah Economics," *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 16, 2022): 65–76.

⁵⁰ Iswandi Wandu Andi, "Review of Termination Methods for Career Wives During *Iddah* and *Ihdad*," *Al-'Adalah: Journal of Sharia and Islamic Law* 7, no. 2 (December 28, 2022): 293–315, <https://doi.org/10.31538/adlh.v7i2.2800>.

⁵¹ Siti Afifah Nurullah, "Practice Services Between Sale and Purchase of Coffee Syari'ah Economic Perspective," *Journal of Nusantara Economy* 1, no. 1 (December 10, 2022): 14–28.

⁵² Laili Izza Syahriyati, "THE CONCEPT OF 'IHDAD HUSBAND WHO LIVED WITH THEIR WIFE (ANALYTICAL STUDY OF QIRAAH MUBADALAH'S INTERPRETATION)," *Nurani: Journal of Syari'ah and Community Studies* 20, no. 2 (December 31, 2020): 187–94, <https://doi.org/10.19109/nurani.v20i2.5536>.

actions that are prohibited from being carried out during the *ihdad* period, including the prohibition on wearing cloth that is the same as the color of jewelry, the prohibition on using gold, silver jewelry whether in the form of rings or necklaces, the prohibition of wearing fragrances for the body, cloth and food, the prohibition of using kohl, the prohibition of using hair oil, the prohibition of wearing henna. Furthermore, *ihdad* for women whose relatives died, namely carrying out a mourning period for three days. Whereas, the view of *ihdad* according to the Compilation of Islamic Law is that a wife whose husband has died must carry out *ihdad* during her *iddah* period as a form of mourning and to prevent slander from arising, while the mourning period for a husband whose husband has died is carried out according to decency. The prevailing customs or propriety until the end of the grieving period over the wife's departure. Furthermore, the concept of *ihdad* in KHI needs to be refined with the concept of *ihdad*, according to Sheikh Arsyad Al-Banjari.

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