

The Implementation and Challenges of *Idah* and *Ihdad* Due to Husbands' Death among Working Women According to the Islamic Perspective

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Abstract

Sharia obliges women after the death of their husbands to undergo *Idah* for four months and ten days. This claim involves all Muslim women whose husbands have died, whether they are working or otherwise. Today's reality shows the difficulty of working women whose husbands died to manage their new lives alone without intervention and help from the government. Those who lack knowledge of the basics of religion will continue their career and daily affairs as usual without feeling guilty. While for those who know about Islamic law related to the *Idah*, they will usually be in a dilemma between continuing their working life during that period or vice versa. This problem then becomes more complicated to the extent that some are willing to take leave without pay just to perform the *Idah*. Therefore, this study was conducted to identify the obstacles and challenges working women face in fulfilling the *Idah*'s demands perfectly. Through a qualitative approach, this study uses secondary data based on document analysis by analyzing the content and then making more objective and systematic conclusions about the focus of the study. This study found that the variety of challenging factors that working women must face during the period of *idah* and *ihdad* requires immediate intervention and improvement for existing initiatives so that *idah* and *ihdad* can be implemented in line with the requirements of Syariah. The findings from this study can then be used by the government as a guide in the construction of policies related to working methods for women whose husbands have died during the *Idah* period and the welfare of orphans in their care. This study will also be able to make a great contribution to women in looking after their welfare as working women as well as realizing the demands of sharia on women in general after the death of their husbands.

Keywords: *Idah*, Working Women, Husband's Death

Introduction

The provision of women's *Idah* due to the death of a husband can generally be found through several surahs in the Qur'an, as in surah al-Baqarah verse 234 which has been clearly stated by Allah S.W.T. the number of days involved in its implementation, which is for four months and ten days. The provision of this *Idah* proved to have great benefits, especially for the wife and family in dealing with the effects of losing a beloved husband and father. The loss of a family member will cause a change in the existing family structure as well as require the restructuring of the functions and roles of family members as a response process. Thus, the period of four months and ten days set by Islamic Sharia is indeed a period that can help women deal with grief and challenges after the death of their husbands.

Although there are various studies related to the *Idah* of women on the death of husbands have been carried out either by previous scholars, religious scholars, and also current researchers, most studies do not focus on issues related to contemporary *Idah*. The context of the existing studies is more focused on sharia, the understanding of the Muslim community as well as the practice of *Idah* by women whose husbands have died in general. Among the famous ulama' of the sect who have discussed issues related to the ritual of women's death of their husbands in their works are al-Syirbini (2006), Ibn Qudamah (1999), al-Syirazi (1999), al-Mawardi (1999), al-Kasani (2000) and al-Husayni (n.d.). Most of the scholars' comments in the books are descriptive and flat in terms of content. This is because the authors present the law related to *Idah* based on general arguments without directly touching the branches of the issue related to *Idah*.

Likewise, in terms of the existing provision related to husband's death leave for female employees. Referring to the implementation of policies related to *Idah*, the state of Terengganu is one of the states that has successfully implemented the granting of Full Paid Leave for female employees whose husbands have died during the 30-day death leave. The enforcement of this circular is one of the best initiatives undertaken by the state government at this time in providing support to working women whose husbands have died. However, the allocated period is still not in line with Sharia demands and it is quite impossible to implement the facility of paid leave for four months and ten days because it can bring negative implications to the government, especially from the aspect of human resources and operations. There is no denying the existence of challenges and pressures in the lives of women who have been left behind by their husbands, such as changes in family structure and roles, as well as multiple responsibilities that need to be shouldered.

Accordingly, this article attempts to analyze the literature based on two main themes in identifying gaps between existing studies. This study also to highlight the importance of research on the *Idah* and *Ihdad* of working women whose husbands have died in greater depth according to the Islamic perspective. The first theme in this article is focused on the study of the basic concept of *Idah* and its enactment as well as related to contemporary debates. The second theme is related to the issues and challenges faced by working women after the death of their husbands in performing *Idah* and *Ihdad*.

Basic Concepts of Idah Enactment

When separation occurs in a marriage, either with the pronouncement of divorce or the death of a partner, especially the husband, Islam has established a demand on divorced wives (*mu'tadah*) to go through a phase called *idah*.

Various studies have highlighted the idea and concept of 'idah' in Islam, whether in terms of etymology, terminology, morphology, syntax, and others. Etymologically, *al-'idad* is the plural of the word *al-'idah* which comes from *al-adad*. The use of the term refers to the duration of the *Idah* which is based on a certain number of days and months (Al-Syarbini, 2006; Khin *et al.*, 2012; al-Zuhayli, 2004). In terms of terminology, *Idah* can be understood as a waiting time for women to ensure the purity of the womb, worship, or ease the sadness due to the death of her husband (Al-Syarbini, 2006; al-Zuhayli, 2004). According to Sabiq (1983), *Idah* can be defined as:

Ism li idah allati tantazhiru fiha al-mar'ah wa tamtani' 'an at-tazwij ba'da wafat zaujuha au firaqahu laha

From the above definition, it can be concluded that the term *Idah* refers to a specific period during which it is forbidden for her to remarry after separating with the pronouncement of divorce or due to the death of her husband which contains three main elements, namely, forbidden to marry, not allowed to leave the house as well as the need to perform *ihdad* (mourning) for women whose husbands have died until the end of the *idah* period. All these details are based on evidence from the Quran and hadith as follows:

a) Surah al-Baqarah verse 228

Translation: *"Divorced women remain in waiting for three periods, and it is not lawful for them to conceal what Allah has created in their wombs if they believe in Allah and the Last Day. And their husbands have more right to take them back in this [period] if they want reconciliation. And due to the wives is similar to what is expected of them, according to what is reasonable. But the men have a degree over them [in responsibility and authority]. And Allah is Exalted in Might and Wise".*

b) Surah al-Baqarah verse 234

Translation: *"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 acceptably do with themselves. And Allah is [fully] Acquainted with what you do".*

c) Surah at-Talaq verse 4

Translation: *"And those who no longer expect 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 term is until they give birth. And whoever fears Allah – He will make for him of his matter ease".*

d) Narrated Zainab binti Abi Salama in Sahih al-Bukhari:

Translation: *"I went to Um Habiba, the wife of Prophet, who said, "I heard the Prophets saying, 'It is not legal for a woman who believes in Allah and the Last Day to mourn for any dead person for more than three days except for her husband, (for whom she should mourn) for four months and ten days.'" Later I went to Zainab binti Jahsh when her brother died; she asked for some scent, and after using it she said, "I do not need scent but I heard Allah's Apostle saying, 'It is not legal for a woman who believes in Allah and*

the Last Day to mourn for more than three days for any dead person except her husband, (for whom she should mourn) for four months and ten days.”.

(Volume 2, Book 23, No. 371)

The debate between the scholars in common problems related to this *idah* has been quoted by Ibn Qudamah (1999) in his book *al-Mughni*, al-Zuhayli (2004) in *al-Fiqh al-Islami wa Adillatuhu*, Sabiq (1980), and al-Malibari (1998). In this regard, the category, type, and condition of women whether they are menstruating, pregnant, or other than those mentioned are important elements in determining the period of *Idah* that applies to a woman.

Table 1.0
Summary of *Idah*-Related Details

Category of Women in Iddah (Mu'tadah)	Type of <i>Idah</i>	Conditions During Mu'tadah	Period of <i>Idah</i>
Other than the death of the husband (<i>ghair al-mutawaffa anha zaujuha</i>)	Raj'ie divorce / bain divorce	Menstruation	Three times clean/menstruation
		No menstruation	Three months
		Pregnant	Completed childbirth /miscarriage
	Raj'ie divorce / bain divorce and never had intercourse	Menstruation/ no menstruation	None
	Raj'ie divorce / bain divorce and experiencing <i>istihadhah</i>	The menstrual cycle is uncertain but the blood flow patterns are known (<i>mu'tadah mumayyizah</i>)	Three times clean/menstruation
		A menstrual cycle that is uncertain and the blood flow pattern is unknown and cannot distinguish between them (<i>mu'tadah ghairu mumayyizah/mutahayirah</i>)	Three months
Death of husband (<i>al-mutawaffa anha zaujuha</i>)	Death of husband	Menstruation / no menstruation, having had intercourse or otherwise	Four months and ten days
		Pregnant	After childbirth or miscarriage
	Death of husband during <i>Idah raj'ie</i> period	Menstruation / no menstruation	Four months and ten days *new <i>idah</i> calculation (<i>idah</i>)

			starts on the day of the husband's death)
	Death of husband during <i>Idah bain</i> period	Menstruation / no menstruation	Three times clean / three months and no need to change to the death <i>idah</i> . *continue the previous <i>idah</i>

The obligation to perform the *Idah* is not only due to the occurrence of divorce or the death of the husband, but it is necessary for the occurrence of sexual intercourse either *halal* or *haram* (*syubhah*) and in a valid or corrupt marriage (al-Zuhayli, 2004; al-Malibari, 1998; Saleh, 2009). The same is the case with the separation that occurs due to the decision of the Qadhi due to a bad contract, the problem of impotence (*al-'unnah*), *li'an*, *fasakh*, and apostasy (Ibn Qudamah, 1999; Basha, 2006). But in this case, the Syafi'i school believes that a divorce that occurs after the occurrence of *khalwat* without any real sexual intercourse does not require *Idah* (al-Zuhayli, 2004). As for the woman whose husband died, it is obligatory for the wife who was left behind to undergo the *Idah* even if there has not been any physical contact between the two or they have not menstruated (al-Zuhayli, 2004).

At the same time, women whose husbands have died also need to carry out mourning (*ihdad*) which comes from the word *al-hadd* with the meaning of prevention or restraint (Salleh, 2009). The prohibition includes several prohibitions such as the prohibition of wearing any fragrance and jewelry on clothes and the body such as henna, and make-up, and wearing clothes with colors that stand out or attract attention for four months and ten days (Khin et al., 2012; Nazmi, 2021). In general, it is forbidden for a woman to mourn the death of someone other than her husband for more than three days. However, the act is allowed to express sadness and offer condolences to those who have suffered the loss of a loved one (Khin et al., 2012).

The rationale behind the provision of this *idah* is as a space of time that allows married couples who have separated with *raj'ie* divorce to calm down and reconcile again (*ruju'*), ensure the cleanliness of the womb from the seed of the ex-husband and mourn the death of the husband (Sabiq, 1980; al-Zuhayli, 2004; Khin et al., 2012). However, according to the Hanafi school, the purity of the womb can be known with one period because usually, pregnant women will not have periods. Other scholars also view that ensuring the cleanliness of the womb is the main purpose in addition to manifesting the glory of marriage by its position in the *syarak* (Khin et al., 2012; Basha, 2006).

Current Debate Related To *Idah*

The debate about *idah* and *ihdad* has been continued by scientists and researchers today and has been expanded to discussions that are more related to contemporary problems and not only focused on repeating the works of previous scholars. Among them, as found in a study by Musyafa'ah (2018) concluded that problems faced by women such as miscarriage, menopause, and abnormal menstrual cycles due to illness indirectly affects the determination in the implementation of *idah*. From a medical point of view, the word '*in irtabtum*' in surah

at-Talak verse 4 can be justified by referring to the perimenopause phase, which is one of the stages of menopause with signs such as irregular menstrual cycles, emotional changes, decreased fertility rates, and others. The same goes for women who have never menstruated or stopped their menstrual cycle suddenly, which can be linked to amenorrhea, which is a condition that occurs due to illness, pregnancy, and other factors (Pereira & Brown, 2017; Yoon & Cheon, 2019). However, this problem will not affect women whose husbands have died, that need to undergo the *Idah* for four months and ten days, starting from the day of their husband's death.

There is also a study that evaluates the effectiveness of the implementation of the current provisions related to the *Idah* which was carried out by Mahmud et al. (2020). Through this study, it was found that the implementation of provisions related to *idah* in Malaysia does not really highlight important elements in matters related to *idah*, namely the type of *idah*, the circumstances when divorced, and the period of *idah* due to the lack of a thorough explanation related to the duration of *idah* during the trial of a divorce case and discussion related to the menstruation period for *Idah*. At the same time, although there are provisions related to *idah* in the Malaysian Islamic Family Law Enactment, almost all these provisions have yet to reveal the true concept of *idah*, in addition to the lack of explanation and disclosure related to iddah maintenance and matters that prevent a woman from receiving iddah maintenance. Among the things that prevent a woman from being eligible for *idah* maintenance is when the breadwinner (husband) dies, the wife is declared nusyuz or the end of her *idah* period.

Continuing from the problems related to women's alimony during *Idah*, women whose husbands die do not receive any alimony during *Idah* but a place to live during the period of *Idah* only. Thus, the study of Dimon et al. (2022) has listed welfare requirements for the wife of her husband's death during the *Idah* period, which shows that the need for moral and material (financial) support are the two main virtues that are essential throughout the period. This is in line with the findings of Syafiqah and Nadiah's study (2020) which has concluded that the poor or single-parent group tends to face difficulties from a financial point of view, emotional management, multiple roles due to changes in family structure, societal stigma and responsibility dilemmas. In addition, welfare assistance in terms of employer's concern and consideration is also seen to be able to help especially working women after the death of their husbands in starting a new phase of life without affecting job performance (Dimon et al. (2022).

Although the current allocation set by the Public Service Department (JPA) has implemented several improvements to the definition of the Death of Close Family Member Service Circular Letter which also functions as *Idah* leave at this time, the leave period granted for the three days is based on Leave Without Record Service Circular Number 4 of 2015 (Public Service Department, 2015) is inadequate and needs to be re-examined. This can be summarized by looking at the proposal to introduce the implementation of *Idah* leave with certain provisions for female employees whose husbands have died for four months and ten days by Pasir Mas Member of Parliament, Ahmad Fadhli bin Shaari (Samudera, 2022). The same matter was also proposed by the Member of the National Assembly YB Senator Ustazah Nuridah Mohd Salleh (Harakahdaily, 2022) who suggested that women's full paid leave for

the death of their husbands be implemented for at least one month through an amendment to the 1955 Work Act.

In addition, the need of working women who are in *Eid* to leave the house during the *Eid* is also a topic of choice to be discussed as done by Khoiri and Muala (2020). The prohibition of leaving the house during the *idah* period is a complementary element to the implementation of the *idah* and *ihdad* for women who have died of their husbands. However, the involvement of today's women in the field of work has made the scenario of going out to work during the *Idah* period a habit to avoid termination of service due to long leave as well as an interest in meeting the needs of family life. In this situation, the opinion of al-Zuhayli (2004) has been highlighted which is required for working women to go out to work during the *Idah* period due to the element of emergency. However, by trying to prioritize the demands of *idah* and *ihdad* first. If it is not possible, then it is allowed for working women to leave the house and wear only what is necessary and take care of their appearance in order to meet the ethics of professionalism at work (Ministry of Home Affairs, 2022).

Studies based on the basic concept of *Idah* legislation usually include debates related to the definition, Islamic enactment, types and categories of *Idah*, guidance as well as wisdom of the implementation of *Iddah* and *Ihdad* for women who have been divorced or lost their husbands. Factors that lead to differences in the period of *Idah*, such as the condition of a woman when she is divorced or when her husband died, as well as problems related to the menstrual blood cycle, are also closely related to the discussion of women's *Idah*. All these elements have a correlation with each other in justifying the implementation of the *Idah* that coincides with the Sharia. The current debate related to *Idah* which then covers the contemporary problems of *Idah* women such as the position and implementation of provisions related to *Idah* in Islamic law and public service, the welfare needs of *Idah* women as well as the challenges faced by single mothers in starting a new life in addition to fulfilling the demands of *Idah* and *ihdad* allowing understanding in the practice of *idah* and *ihdad* is well refined. Likewise, the exposure of the medical point of view related to the *Idah* requirement and the discussion related to the issue of working women who go out to work during the *Idah* period is indeed significant with the flow of today's times.

The Challenge Of *Idah* And *Ihdad* Implementation Among Working Women of The Dead Husbands

The death of the husband itself is a challenge that has to be faced by a woman called a wife. Not to mention if she has many children and dependents. Daily life will continue to change due to the loss of the main pillar in a family. The changes that had to be made in such a short time will indeed have an impact on all parties involved at the initial stage before it becomes a habit.

The study of Ibrahim, Min, and Mohamad (2019) shows several levels of grief experienced by women after the death of their husbands, namely sadness, contentment with what happened, awakening with children as a source of strength, and nostalgic feelings with the late husband. The sadness she goes through is not only caused by the death of her husband, but it is also by several other challenging factors such as emotional disturbances, the variety of responsibilities that need to be shouldered including child welfare matters, financial needs, and health challenges. Responsibilities as mother and father at the same time as the main pillar of the family cause a double burden of responsibility for a woman. Financial

needs and child welfare issues that used to be under the husband's responsibility, which is now shouldered by the wife, are internal factors that encourage women whose husbands have died to still go out to work, contrary to the guidelines and implementation of *idah* and *ihdad* itself.

A study by Zakaria and Akhir (2018) focuses on the discussion related to the challenges and life pressures experienced by single mothers from the point of view of mental health care. Emotional disturbances such as surprise, loneliness, emotional distress, and many more are among the situations that usually happen to women who lost their husbands while normalizing a new life without a husband by their side (Ibrahim *et al.*, 2019). Emotional disturbances can also be caused by intense anxiety about something, financial issues and the welfare of children are the most important priorities at this time for women who have lost their husbands. For working women, the allocation of mourning leave for the death of a husband is too short and sometimes cannot allow them to prepare themselves mentally and physically for losing the main pillar of life as well as the drastic changes that occur in the family. This is because the recovery period from the grief phase as well as the adaptation to a new way of life by everyone is different. They also must put aside their physical and mental condition which is still not stable to ensure that their job which is also the main source of income for the family remains guaranteed.

Factors that contribute to the disturbance of emotional well-being must be things that need to be identified and then dealt with as best as possible. The study by Zakaria *et al.* (2019) found that there are several challenges commonly faced by women that require appropriate interventions to help single mothers in maintaining their psychosocial and physical well-being. Facing matters such as court affairs, social stigma, personal health problems, and the challenge of raising children alone, is a phase that all women must go through after the death of their husbands. Life challenges that include less stable financial conditions, and multiple roles and responsibilities that need to be shouldered as a father and mother at the same time (Syafiqah & Nadiah, 2020) cause women to after the death of their husbands to still go out to work even though they still in the process of self-adjustment and in the *Idah* period, in addition to the factor of losing a loved one that has the biggest impact on the mental health of a woman who currently holds the status of Head of Household (KIR) (Zakaria *et al.*, 2019).

At the same time, carrying several roles that demand full commitment at one time is seen to bring conflict to the individuals involved as formulated by Ibrahim and Zaimah R. (2021). Working women after the death of their husbands who now carry out the role of a father in providing the family income will also bear the responsibility as a mother and wife to manage the welfare of the family, educate the children and go through the prescribed *Idah* and *Ihdad* phases. The conflict between work and family experienced by female civil servants is seen to be related to family, work, and financial factors. The need for *idah* and *ihdad* which is also part of *ahwal syakhsiyyah* is also affected in this sub-identity conflict. Although the implementation of present-day *idah* and *ihdad* has been adapted to current demands and has relief in certain circumstances, it is still a challenge for women after the death of their husbands, especially for working women (Muslimin, 2017).

The theme related to challenges in the implementation of the *Idah* of working women is further expanded with the study discussed by Salleh *et al.* (2022) who have analyzed the

problems faced by working women throughout the career-related *ihdad* period. Eating out during work hours, attending employer-sponsored parties, off-site work assignments, and overtime work are part of today's work culture. Cultivation of this kind of practice, however, is a specific challenge for female civil servants in carrying out *idah* and *ihdad*. In addition to being a challenge, the practice of *Idah* and *Ihdad* style of working women today also no longer meets the demands of *Idah* and *Ihdad* that should be due to the perception of modern women who take *Idah* lightly, the lack of knowledge related to the laws of *Idah* and *Ihdad* and even feel that the implementation of *Ihdad* nowadays is not more relevant with certain prohibitions and regulations (Arsjad & Barakah, 2017). However, stipulations such as the ban on wearing jewelry and perfumes are to avoid defamation of women who perform *Idah* to achieve the goals of *Idah* and *Ihdad* (Rizkiyah, 2020).

These studies give an overview of the current practice of *Idah* and *Ihdad* and the real situation faced by women who have lost their husbands, especially those who are working on the challenges in implementing the *Idah* and *Ihdad*. The absence of a main individual in a family certainly has implications for the family members. A study highlighting how the challenges experienced can affect the mental well-being of women who have lost their husbands shows that this issue is not just about the loss of a husband but will have an impact on the survival process for the family members left behind, especially the wife.

Summary and Conclusions

Studies related to women's *idah* are certainly not an unfamiliar topic among religious scholars and academic researchers. Studies based on the basic concept of *Idah* and the demands for its implementation are usually discussed together in debates related to divorce, dissolution of marriage, or remarrying (*ruju'*).

In the first theme, there are indeed many studies that debate the basic theory or concept of the implementation of the *Idah* demanded by Sharia. The debate that was carried out included discussions from a Sharia perspective, as well as the main components in the process of understanding and then implementing the *idah* itself, such as the causes of different schools of thought. This theme also considers contemporary debates related to *Idah* which are closely related to the current situation such as the need for modern women's *ihdad*, the practice of *Idah* and *ihdad* for working women as well as the effectiveness of the provision of *Idah* and *ihdad* in the national legal system. The same goes for the case with studies that highlight the problem of menstrual blood from a medical aspect that can simultaneously provide a scientific picture. The second theme of this article is more focused on a study that highlights the challenges and obstacles of working women in implementing *idah* and *ihdad* according to the concept discussed. All the challenges mentioned are relevant and proven based on the findings of the document analysis that has been carried out. Therefore, efforts to deal with these challenges need to be implemented to help working women cope with the death of their husbands to be able to fulfill the demands that have been made.

Therefore, a new policy construction to celebrate the benefits of all parties whether the staff or the employer based on the current needs to be built. Various measures and new initiatives can be implemented to help working women cope with the death of their husbands while allowing them to maintain their existing jobs without neglecting the requirements of Sharia. Among them are creating policies and guidelines for the practice of working from

home properly, the facility of Half-Paid Leave, the granting of a moratorium for all loans at universities, the encouragement of group insurance participation, and many more. However, a detailed study of the target group and scholars needs to be carried out first before this policy is developed to ensure that there are reasonable needs and realistic implementation. In summary, joining the path between the concept of *idah* according to the Islamic perspective and the fieldwork in this research can certainly produce a comprehensive policy recommendation to help working women cope with the death of their husbands during their *idah* period.

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