

Problem of Iddah khulu' in Indonesia

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Abstract

Majority of divorce cases in Indonesia are lawsuit divorce or Khulu', where as majority of Indonesian women are working. This condition will impact or disturb the quality of their work if they need to wait for Iddah period to end. Iddah khulu' that can be taken is considered light such as one time of woman's period (menstruation) and basically it is similar to iddah 'Talak' (divorce filed by the husband). Iddah Khulu' in Indonesia is similar to iddah Talak Bain, which 3 times of Women's periods. This rule is based Holy Quran for general Iddah as mentioned on surah Al Baqarah 223. This rule/provision is also followed by Muslim scholar (Ulama) such as Imam Syafii. The other provision mention that Iddah khulu' only consider one time Woman's period which is based on Hadist ahad. While the theory Asy Sajyafii on the interpretation of Hadith Ahad toward Holy Quran can be accepted. The purpose of this research is to analyze Hadith about Khulu' and the impact or relation toward Indonesian peoples. The method used on this research is descriptive - quantitative where mostly based on library research, reading of literatures related to the subject of the research. The result of this research is the used of Hadith on Iddah Khulu' which only mention one Woman's period can be accepted and be used for consideration by respective authorities/bodies to change the law/rule of iddah khulu's within KHI.

1. Introduction

Indonesia has almost equal population of men and women. The number of working womens are also almost the same with the number of working men. According to data from the Central Statistics Agency (BPS), the number of working women in 2022 reached 52.74 million workers in Indonesia. The number of female workers is equivalent to 38.98% of the total workers in Indonesia [1]. This condition is caused by several factors, including 1) to prepare for emergencies, 2) to deal with the ever-increasing cost of living, 3) being able to become a role model for the family, 4) avoiding dependence, 5) the reason women to work is that they are more respected by people.

A lot of working woman in Indonesia feel that their economic needs can be fulfilled. Maybe this is one of the reasons why divorce in Indonesia is very high and increasing from year to year. According to the Statistics Indonesia report, the number of divorce cases in Indonesia reached 516,334 cases in 2022. This figure increased by 15.31% compared to 2021 which reached 447,743 cases [2].

The number of divorce cases in the country last year even reached its highest number in the last six years. The majority of domestic divorce cases in 2022 will be contested divorces, cases where the divorce suit is filed by the wife which has been decided by the Court. The number was 388,358 cases or 75.21% of the total homeland divorce cases last year. On the other hand, as many as 127,986 cases or 24.78% of divorces occurred due to "cerai talak" (divorce filed by the husband), namely cases for which the husband's request for divorce had been decided by the court [3].

When viewed from the large number of female workers in Indonesia and the continuing increase in divorce in Indonesia, then this could be a separate problem in the productivity of female workers. because a newly divorced woman will be bound by the 'iddah law that applies in Islamic law.

The length of 'iddah depends on the cause of 'iddah, some are three months, three times sacred or three times menstruation, some are until delivery and some are four months and ten days. In article 155 of the Compilation of Islamic Law (KHI) it is stated "the Iddah for women who break up with marriage because of Khulu', Fasakh, and Li'an applies the Iddah of divorce. The iddah of a woman who is divorced by her husband is three times the quru' or three times the purification " (KHI).

The provisions of iddah khulu' contained in the KHI follow the opinions of several Imams, including the views of Imam Syafi'i. Regarding the legal position of Khulu', according to the Syafi'i Madzhab it is thalaq, so it is not imposed except by saying thalaq. If the wife gives iwadh then the husband has done thalaq to his wife, then the khulu' falls as thalaq one and the husband does not have the right to reconcile with his wife because khulu' includes buying and selling and the husband cannot own the wife's property [4]. According to Imam Shafi'i's view in his qaul qadim, khulu' is in the fasakh category, but in the qaul's view, khulu' is in the category of talak. Therefore, the iddah khulu' is the same as the iddah talak, namely three times sacred or three times period (menstruation). This opinion is used in KHI. Meanwhile, in the hadith narrated by Abu Dawud and Tirmidhi and confirmed by al-Bani, the *iddah khulu'* is only one menstruation. If it is true that this hadith is a valid hadith then the rule of takhsish al-'am will apply, which in this case is takhsish al-Qur'an with the hadith ahad. Therefore, in this discussion we will discuss the specialization of the iddah verse with hadith from al-Shafi'i's perspective in the theory of takhsish al-Qur'an with the ahad hadith.

2. Research Methods

Researchers used descriptive-qualitative research. Where the activity carried out is in the form of connecting data with one another, then described as a causal relationship. Bogdan and Taylor said, as quoted by Lexy, that qualitative research is research steps that produce descriptive data in the form of written words or words from people and observed behavior [5]. Karl and Miler also explain that qualitative research is a particular tradition in social science which significantly relies on human observation both in its scope and in its terms [6].

The type of research used by researchers in this research is library research, namely by using several sources or library materials that support the preparation of research [7]. Meanwhile, the validity of information uses 3 methods, namely method triangulation, source triangulation and theory triangulation. Method triangulation analysis is testing the credibility of information which is carried out by checking information from the same source but using different methods. On the other hand, source triangulation, according to Patton, means equalizing and checking back the degree of confidence of data obtained through different times and equipment in qualitative research. Theoretical triangulation is carried out by using various theories to interpret information. The use of various theories can help provide better explanations when interpreting information. The final stage is analysis of research information. The information analysis method uses 3 steps, namely information reduction, information presentation and drawing conclusions and verification [6].

3. Definition of 'Iddah

The word 'iddah etymologically comes from the verb 'adda - ya'uddu which means to count something (*iḥṣā'u al-syai'*). The word 'iddah has a meaning like the word al-'adad, namely the size of something that is counted or the amount. If the word 'iddah is connected with the word *al-mar'ah* (women) then it means the days of her menstruation days, or the days of her *ihdad* towards her partner or the days of refraining from wearing jewelry either based on the month, menstruation/sacred, or give birth. Al-Sayyid Sabiq stated that 'iddah in terms of language is counting the days and clean period of a woman. Meanwhile, according to Abd al-Rahman al-Jaziri, the word 'iddah is absolutely used to refer to a woman's menstrual days or periods.

Meanwhile, according to terms, jurists have formulated the definition of 'iddah with various expressions, although in different editorials, they have broad similarities as follows: a. Abd al-Rahman al-Jaziri, 'iddah in syar'i is a waiting period for a woman which is not only based on her menstrual period, but sometimes it is also marked by giving birth, and during this period women are prohibited from marrying another man [8], b. Al-Sayyid Sabiq gives the meaning of "the long period for women (wives) to wait and not be allowed to marry after the death of their husband [9], c. Al-Khaṭīb al-Syirbini in his book *Mughni al-Muḥtaṭaj* defines 'iddah as the name of

the waiting period for a woman to find out about the emptiness of her womb or because she is sad about the death of her husband [10].

In general, the time of iddah has been determined in the Qur'an with the provisions of three menstruations for women who menstruate, three months for women who do not menstruate, four months and ten days for widowed women by death of the husband, until giving birth for women who are pregnant. And there is no iddah for women who divorce before *dukhu*. Similar like *talak* women who are *khulu'* are also required to do 'Iddah. With the intention of *istibra'* (making sure that there is no fetus/womb in her womb). However, what is the period/duration of 'Iddah should women take in *khulu'*? Scholars have differing opinions on this matter. One of them is the opinion of *Jumhur ulama* (Hanafiyyah, Malikiyyah, Syafi'iyah and Hanabilah) who say that the 'iddah of a woman who asks for *khulu'* is the same as the 'iddah of a woman who is divorced, namely three *quru'* (three menstruations). The foundation is the word of Allah SWT, which means "Women who are divorced should refrain (wait) three times *quru'*" (QS. Al-Baqarah, 228). And also, because *khulu'* is the separation between husband and wife after marriage (*dukhu*), then the 'iddah is three *quru'* as is separation other than *khulu'*. Apart from the *jumhur* opinion, there is also a second opinion narrated by Imam Ahmad from Ustman bin Affan, Ibnu Umar and Ibnu Abbas that 'iddah for *khulu'* women' is enough for one menstruation. The argument is; as narrated by Imam Nasa'i and Ibn Majah that Rasulullah Saw has made Thabit bin Qais' wife's 'iddah only one menstruation [11]

This second opinion certainly has a very positive impact on the activities of sincere career women and will provide many benefits to their careers. Meanwhile, in article 155 of the Compilation of Islamic Law (KHI) during Iddah for women who break up their marriage because of *Khulu'*, Fasakh and *Li'an*, Iddah *talak* applies. The Iddah for a woman who is given divorce by her husband is three times *quru'* or three holy times for those who are still menstruating and three months for those who are not menstruating (KHI).

'Iddah *khulu'* according to this *jumhur* is 'iddah *talak ba'in*, iddah in general. The propositions used are also the propositions of iddah in general, while the specific propositions of 'iddah *khulu'* are in the hadith of the prophet. In the rules of *takhshishul 'am* it is said "One of the principles of the Syafi'iyah *ushul* regarding the conception of 'am which has been marketed in various literature is "it is not mandatory to believe in the generality of 'am and it is not necessary to practice it so that it is truly proven that a valid argument can be found"

In linguistic terms, *takhshis* means differentiating the laws of some groups. Meanwhile, in terms of *ushul fiqh*, according to Syafi'iyah, *takhshis* is explaining (*bayan*) something that is outside the scope of *lafadz 'am*. As has been explained, the majority of scholars have agreed that the 'am pronunciation refers to each unit it covers, even though they differ in terms of its strength of designation for everything the 'am pronunciation covers, whether *qoth'i* or *dhanny*. Clearly, *takhshis* is an explanation of the exclusion of units of meaning from the general scope of 'am, whether the explanatory propositions (*mukhassis*) are continuous or separate (*mustaqil/munfashil*), and whether they coincide in time or are different. Therefore, Syafi'iyah does not make continuous and concurrent time a requirement for *mukhassis*.

4. Classification of Hadith According to Syafi'iyah

4.1 Quantity Aspect (sanad)

The Shafi'iyah group divides hadiths based on their sanads into two: first, Mutawatir are hadiths narrated by many people, with these provisions making it impossible for them to lie. Second, ahad is a hadith whose number of *râwis* does not meet the requirements to be called a mutawatir hadith. This Ahad hadith is divided into three, namely: first, the *mashûr* hadîth where this hadîth was narrated by three or more people whose number of *râwi* did not reach the limit of *râwi mutawatir* in one series of sanad. Second, the 'azîz hadîths are hadîths where the number of *râwi* is at least two in one series of sanad. Third, *gharîb* hadîth, namely hadîth which was only narrated by a *râwi* in a series of sanad [13]. Hadith experts concluded their research that, according to Syafi'iyah, famous hadiths that are commonly known are included in the ahad hadith section. [14].

4.1.1 Aspects of Hadith Quality

First, authentic hadith, namely hadîths whose sanad are continuous and whose *râwi* is fair [13] and *mundlabit* (14), and these hadîth are not *syâdz* and do not contain 'illat [15].

Second, Hasan hadith. Hasan hadith in terms of terms is not much different from *shahîh* hadith. This hadîth only differs in terms of whether or not the narrator is in the series of sanad. This means that some or all of the narrators lack mastery of the hadith either through writing or memorizing.

Hasan hadith is divided into two, namely *hasan lidzâtihi* and *hasan li ghairihi*. The meaning of *hasan li dzâtihi* has been described in the paragraph above. Meanwhile, for *Li Ghairihi*, basically this hadîth is a *dla'if* hadîth, however due to several considerations it deserves to be considered a *hasan* hadîth. This means that this hadith is not due to the *râwi* being forgetful, making lots of mistakes, or being ungodly, but because of the *râwi's* poor

memorization, unknown identity, or deliberately hiding defects in the hadith. Then this hadith increased to hasan with the help of information from other similar hadiths, such as its meaning, or because many people narrated it.

Third, *dla'if* hadîts, namely hadîts that do not meet the requirements are called hasan hadîts. This means that it is called *dla'if* because there are still irregularities in the process of narrating hadîth. After imagining it, it turns out that there are two main things that make hadîts *dla'if* hadîts. Among them is that there is a *râwi* who is missing in the sanad and because the *râwi* is flawed, in the sense that the nature of justice and the quality of the *dlâbit* are still questionable.

4.2 Ahad Hadith Becomes Takhsish from Ash-Shafi'i Perspective

The authenticity of Ahad's hadith cannot be achieved unless several conditions are met. Among them are people who narrate the hadith of Ahad who are *tsiqah* in their religious life, are known to be honest in narrating hadith, understand what they are narrating, know what can decipher the meanings of a hadith's *lafadz*, and narrate it along with the *lafadz* as they have heard, at the same time, he does not narrate only in the form of meaning, he can preserve the hadith either by rote memorization or in writing if he narrates through notes (Abu Zahrah, 1958).

4.2.1 Khabar Ahad before the generality of the Koran

To see how the Syafi'iyah views on the issue of *iddah khulu'* which is still being debated by some scholars, *Jumhur* based on verse 228 of surah al-Baqarah says that *iddah khulu'* is the same as *iddah talak bain* whereas according to *Hambali* *iddah khulu'* is one menstruation based on Hadith explains this. Before we look at the ash-Shafi'iyah view regarding *khabar ahad* which interprets the Qur'an, let's look at the hadiths which explain that *iddah khulu'* is one menstruation.

5. Discussion

5.1 Hadiths regarding *iddah khulu'* once menstruation

There are at least redactions of hadith texts which state that the *iddah* of a *khulu'* woman is one menstruation. Among them is the history of Abu Daud. Narrated by Imam Abu Daud and Imam Turmuzi; each of the two says:

،فَسُوِيْنِيْ مُأْتِيْهِ أَنْتَدَدَ ،رَحَبْنِيْ فِيْ إِذْ أَنْتَدَدَ ،فِيْ دَاغِبِلَا مِيْحِرْلَا دِبْعَنْ دِيْ دَمَحْمُ أَنْتَدَدَ
نِيْ دِيْ تَبَاذَةَ أَرْمَانَا :سِيْ أَبَعَنْ نِيْ بَا نَع ،مَمْرِكِعَنْ نَع ،مِئْسَمَنْ نِيْ وَرْمَعَنْ نَع ،رَمَعْمَنْ نَع
فِيْ لَصْدِيْ بِنَلَا أَهْرَمَافَ ،مَلَسُوْا يَلِيْعُ اللهُ فَيَلَصْدِيْ بِنَلَا دِنَهَعْ فَيَلَصْدِيْ أِهْجُوْرَنْ مَتَعَلْتَا سِيْ يِقْ
مَضِيْحِبْ دَتَعَنْ أَمَلَسُوْا يَلِيْعُ اللهُ

Has told us Muhammad ibn Abdur Rahim Al-Bagdadi, has told us Ali ibn Bahr, has told us Hisham ibn Yusuf, from Ma'mar, from Amr ibn Muslim, from Ikrimah, from Ibn Abbas: That the wife of Sabit ibn Qais asked for *khulu'* from her husband during the time of the Prophet SAW. So the Prophet SAW. ordered him to observe one menstrual period.

This hadith was narrated by Ibnu Abbas r.a, issued by Abi Dawud hadith number 1902 and Tirmidhi hadith number 1185 with the status of a weak hadith.

There is an editorial similar to the hadith editorial above:

حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الرَّحِيمِ الْبَزَّازُ حَدَّثَنَا عَلِيُّ بْنُ بَحْرِ الْقَطَّانُ حَدَّثَنَا هِشَامُ بْنُ
يُوسُفَ عَنْ مَعْمَرٍ عَنْ عَمْرٍو بْنِ مُسْلِمٍ عَنْ عِكْرَمَةَ عَنْ ابْنِ عَبَّاسٍ أَنَّ امْرَأَةً
ثَابِتِ بْنِ قَيْسٍ اخْتَلَعَتْ مِنْهُ فَجَعَلَ النَّبِيُّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ عِدَّتَهَا حَيْضَةً قَالَ
أَبُو دَاوُدَ وَهَذَا الْحَدِيثُ رَوَاهُ عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ عَمْرٍو بْنِ مُسْلِمٍ عَنْ عِكْرَمَةَ
عَنْ النَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ مُرْسَلًا

Has told us [Muhammad bin Abdurrahim Al Bazzar], has told us [Ali bin Bahr Al Qatthan], has told us [Hisyam bin Yusuf] from [Ma'mar] from [Amr bin Muslim] from [Ikrimah] from [Ibn Abbas] that Thabit bin Qais' wife asked for *khulu'* from him. Then the Prophet made his *iddah* one menstruation. Abu Daud said; and this hadith was narrated by [Abdurrazzaq] from [Ma'mar] from [Amr bin Muslim] from [Ikrimah] from the Prophet sallallaahu 'alaihi wasallam in a *mursal* manner [17].

The editorial is similar to another hadith narrated by Imam Turmuzi:

نُبِّدْ دَمَحْمَ أَنْدَدَ ، نَأْيُفَسْ نَع ، سِوَمُ نُبِّدْ لَضَفْلَا أَنْدَدَ ، نَأْيَغُ نُبِّدْ دَوْمَحْمَ أَنْدَدَ
 نُبِّدْ دَوْمَعْمَ تَنْبِ عَيْبُرْلَا نَع ، رَأْسِي نُبِّدْ نَأْمَيْسُ نَع ، هَعَطَطَ لَأِ سِوَمَ وَهُوَ نَمَحْرَلِذْبَع
 وَأ - سِي بِنَا هَرْمَافَ ، مَسُو هَيْعُ أَللهِ سِوَمَ لَأْوَسْرَ دِهَعُ سِوَمَ تَعَلْنَا هُنَا : عَارْفَعُ
 مَضِيحِبِّ دَتَعْدَنُ أ - تَرَمَا

Has told us Mahmud ibn Gailan, has told us Al-Fadl ibn Musa, from Sufyan, has told us Muhammad ibn Abdur Rahman (i.e. the maula of the Talhah family), from Sulaiman ibn Yasar, from Ar-Rabi' bint Mu'awwaz ibn Afra, that he once asked for khulu' during the time of the Prophet Muhammad. So the Prophet SAW. ordered him - or he was ordered - to carry out one menstrual cycle. [18]. In another editorial of the History of Abu Daud it is said:

هُ الْمُخْتَلِعَةِ حَيْضَةً ۖ حَدَّثَنَا الْقَعْنَبِيُّ عَنْ مَالِكٍ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ قَالَ عِد

Has told us [Al Qa'nabi], from [Malik] from [Nafi'] from [Ibn Umar], he said; the person who asks for khulu' 'iddah is one menstruation. [19]

This hadith is supported by another hadith narration from Robi' bint Mu'awwadz bin 'Afra' in the book of Sahih Ibnu Majah hadith number 1687 which was accepted by Annasa'i and Ibnu Majah with the status of Hasan Shohih hadith according to al-Albani (Basyar 'Awwad 2013). This hadith reads:

هَدِّعْ لَا : لَأَقْفُ ؟ هَدِّعِلَا نَمِّي لَعِ اذَام : تَلَأُسْفُ ، نَأْمَذَعُ تَأْجَمْ ، سِوَمَ تَعَلْنَا
 : تَلَأَقُ ، مَضِيحِبِّ نَأْمَيْسُ نَع ، هَدِّعُ نَأْمَيْسُ نَع ، كِبِ دِهَعُ تَأْيِدُ نَأْمَيْسُ نَع ، كِبِ لَعِ
 تَأْمَاكُو ، مَأْيَلَاغْمَلَا مِيرَمِ سِوَمَ هَيْعُ أَللهِ سِوَمَ لَأْوَسْرَ عَأَضَقُ لَعِذِ سِوَمَ مَأْمَاوُ
 هُنْمَ تَعَلْنَا خَافَ ، سِوَمَ نِبِّدْ تَبَاثُ تَحْتِ

This hadith explains that iddah khulu' is one menstruation, even if it is not gathered in the near future then there is no iddah.

If the hadith from the history of Ibn Abbas above is considered a hadith that is not strong in terms of its sanad, it is supported by other narrations that support the content of the hadith narrated by Ibnu Abbas. This shows that the hadith narrated by Ibn Abbas is a strong hadith and can be used as evidence. Moreover, Imam Syafi'i is of the opinion that if the specific khabar ahad contradicts the generality of the al-Qur'an (which is concluded with khabar ahad), then the generality of the Qur'an does not refer to all the units covered in the lafadz al- The Qur'an is 'am', but only shows part of it. This is because in general the Qur'an is dzanni in nature, even in terms of its sanad qath'I [20]. On the other hand, in the Ahad hadith it is qath'i, even though the sanad is dzanni. And as it is understood, the dzanni can also control the dzanni. The Shafi'iyah scholars think this because they perceive khabar ahad as sunnah, even though khabar ahad functions as an explanation of the Koran. And among his explanations of the Koran is a commentary on general verses [20].

In fact, the Shafi'iyah community itself is infected with the general ta'arudl 'am and khabar ahad. The generality of 'am and khabar ahad are two conflicting propositions, only khabar ahad is more specific than 'am. Because it is more specific, according to the Syafi'iyah it must be won and given priority to the generality of 'am. The basis for this generality can be said to be an agreement that occurred between themselves. Meanwhile, for those who report Ahad hadith, it can be called a proof because by practicing Ahad hadith it means that they have avoided the threat (danger) that is strongly suspected to occur. If only the generality of 'am took precedence at that time, it would undoubtedly lead to the total abandonment of the Ahad hadith. On the other hand, prioritizing Ahad hadith will not lead to ignoring the generality of 'am in its entirety but only in part of its meaning. This is one of the reasons why the Shafi'iyah prioritize the hadith of Ahad over the generality of 'am in the Qur'an.

The criteria for Ahad hadith can be called final hadith (maqbul), especially in the sense of being mukhashshish 'am al-Qur'an. Moreover, there is an assertion that if there is a ta'arudl of the meaning content between the Ahad hadith and the text of the Qur'an, the Ahad hadith can easily be interpreted, for example by making it an addition to or subtraction from the generality of the Al-Qur'an (Fatkhurrahman. ..), then the meaning of the Ahad hadith takes precedence even though it is "contrary" to the text of the Koran, mutawatir hadith and ijma'. Khabar Ahad in front of the generality of the Qur'an once again, the basis of Syafi'i's view in the conception of 'am is none other than the provisions prepared and brought by Shafi'i to advance to the next differences, especially in the matter of positioning Khabar Ahad in front of generality of the Qur'an.

Syafi'iyah believes that the principle of the ability to interpret the generality of the Qur'an with khabar ahad, basically rests on two postulates: first, all interpretations are agreed upon by the companions (ijma' as-shohabah). And secondly, the rational reason (*dalil 'aqli*) states that the rules of the game of legal legalization require adhering to a more specific one when two postulates between 'am and khas conflict, because the specific one is stronger. And thus, both are used equally. On the other hand, adhering to the 'am will annul the typical.

(135) Meanwhile, to dispel the opinion that says that the Ahad hadith cannot complete the Koran - as represented by the Hanafiyah is:

(1) The Hanafiyah opinion which says that the Qur'an, whether its wurud or dalalah, is qath'i is not correct, what is correct is that the Qur'an is only qath'i in its nuzul. While the dalalah is still dhanni in nature, the proof is that there are still many nash 'am that can still be interpreted.

(2) Imam Abu Hanifah himself, who was 'alleged' to be the 'provocateur', whose rejection of the Al-Qur'an cannot be explained by the Ahad hadith, in fact did not comment like that. The validity of the quote which is deliberately made in the name of Abu Hanifah is doubtful, because the opinion is only a 'quotation' from the furu books, not from him directly.

(3) There was an accident in the transmission of hadith. According to ad-Darini, it is possible that Ahad's hadith did not reach Abu Hanifah so that he did not rely his legal decisions on that Ahad's hadith, or that Ahad's hadith reached Abu Hanifah's hands, but because it was conveyed by someone whose capabilities - according to him - are still doubtful, so he rejected it.

(4) Takhsis and nasakh are different. Takhsis explain the meaning of syari' (legislator) from beginning of nash is revealed. Whereas nasakh cancelled the function of nash that's was teach by God. Hence the worry of cancelling out nash - as assumed by Hanafiyah- will not happen.

For the third point (in Syafi'i's opinion) we can see from the words of Imam Syafi'i himself which we quoted from the writings of Sayyid Muhammad: "People agree that the hadith which has been proven to be truly from the Messenger of Allah, should not be abandoned just because -because of the influence of someone's words (provocateur). Meanwhile, in the case of Abu Hanifah's turning his back on the hadith, this is because, firstly, there are times when Abu Hanifah does not know the hadith, perhaps because he adheres to the hadith of the people of Iraq, but only a little. And when this is true, then it is not justified to follow his madhhab and other madzhab but must stick to the hadith because the Most Certain is only Allah and the ma'shum is only the one who holds the prophethood (Muhammad), while Abu Hanifah or Malik is not a Messenger who was sent to us. They are just mujtahids who can be wrong or right. Second, perhaps Abu Hanifah knows that there is someone who considers the hadith to be flawed (qadhih) or that there are arguments that prevent (mu'aridl) from using the hadith. And for this, each has its own guidelines (schedule) regarding whether the qadhih and mu'aridl have an effect or not".

Then Imam Turmuzi said that this hadith is hasan and gharib. The same thing was narrated by Abdur Razzaq, from Ma'mar, from Amr ibn Muslim, from Ikrimah in mursal.

Imam Turmuzi said that what was valid was that it was said that he was ordered to perform idah once during his menstruation. Another path narrated by Ibn Majah:

نَعَّ يَبَأُ أَنْتَدَدَ، دِعَسَدِ نَبْ مِيهَارِبِ نَبْ بُوَقَعِي أَنْتَدَدَ، يُرُوْبَأَسِيْنَا مُمَلَسِدُ نَبْ يُيْءُ أَنْتَدَدَ
 نَبْ دُوَعْمُ تَنْبِ عِيْبُرْ لَأِ نَعَّ، تَمَاصِلَا نَبْ دِدَابِعِ نَبْ دِيلُولَا نَبْ دِدَابِعِ يَنْتَرَبَخَا، قِ أَحْسِدِ نَبْ بَا
 نْ أَمْدَعُ تَنْجَمْ، يَجُوْرُ نَبْ تَعَلَتْخَا: تَلَأَقُ كِنْتِيْدَ يَنْيِيْدَ: أَيْهَلَا تَلَأَقُ: لَأَقُ أَرْقَعُ
 نَبْ يَنْكَمْنَفُ كِبْ دِهْءَ تَشِيْدَ نَبْ وَكِيْدَ نَبْ لَأِ، كَيْلَعُ دَعْدَ لَأِ: لَأَقُ؟ دَعْدِعَلَا نَبْ يِيْءُ أَدَامَ: تَلَأَسْفُ
 هَيْلَعُ أَلَلْهُ لِيْ لُؤْسَرِ أَعْضَقُ كَلَذِ يَفْعَبْتِ أَمْنَاوُ: تَلَأَقُ. تَضِيْدُ يَضِيْحَتِ يَتَدُ هَدْنِعُ
 هُنْمِ تَعَلَتْخَا، سَبِيْقُ نَبْ تَبَأَتْ تَحَدَتْ تَنَاكُوْ، تَيْلَا عَمَلَا مَيْرَمِ يَفْمَلْسُوْ

Has told us Ali ibn Salamah An-Naisaburi, has told us Ya'qub ibn Ibrahim ibn Sa'd, has told us my father, has told us Ibn Ishaq, has told me Ubadah ibn Walid ibn Ubadah ibnus Samit, from Ar-Rabi' bint Mu'awwaz ibn Afra, that Ubadah once said to Ar-Rabi', "Tell me a story about yourself." Ar-Rabi' answered, "I once asked for khulu' from my husband. Then I came to Caliph Us'man and asked him how long Idah I had to undergo. So, Caliph Usman answered, "There is no Idah for you, unless your husband has just sexualized you, then you stay with him for one period." Ar-Rabi' then said that in fact he was only following the justice that had been decided by the Prophet Muhammad in this matter. against Maryam Al-Mugaliyah. Maryam initially became the wife of Sabit ibn Qais, then he asked for khulu' from him [21].

Ibn Luhai'ah told from Abul Aswad, from Abu Salamah and Muhammad ibn Abdur Rahman ibn Sauban, from Ar-Rabi' bint Mu'awwaz who said that he had heard the Messenger of Allah. ordered Sabit ibn Qais' wife when asking for khulu' from her husband to perform one menstrual idah.

6. Conclusion

The verse about iddah in surah al-Baqarah 228 shows that the iddah of a woman who is divorced has three holy times or three menstruation periods. This verse gives a general understanding that all women who are divorced are not pregnant. Meanwhile, the hadith which explains that the Prophet ordered the wife of Thabit bin Qais, who worshiped her husband, to perform Iddah for one menstrual period is also a valid hadith. And this hadith becomes a general specialization verse. This is the result of analysis using the specialize theory of general verses with the Ahad hadith which according to the Shafi'iyah is permissible. Because by interpreting the verse using the Ahad hadith, you automatically use both the arguments of the verse and the hadith. However, if you only use verse 228 in surah al-Baqarah, you will ignore the hadith which clearly states the limits of iddah for women who only have one menstrual period. For this reason, the author is of the opinion that giving a khulu' woman a period of iddah with one menstruation has more benefits for the khulu' woman. Wallu a'lam.

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