

# **Application of Ibn Hazm's Textual Method in The Hadith on Working Woman**



## **THESIS**

Submitted to Ushuluddin and Humaniora Faculty in Partial  
Fulfillment of the Requirement for the Degree of S-1 of Islamic  
Theology on Tafsir and Hadith Department

By:

Muhammad Ulul Albab  
134211096

**USHULUDDIN AND HUMANITY FACULTY  
ISLAMIC STATE UNIVERSITY STUDIES OF  
WALISONGO SEMARANG  
2018**

## A THESIS DECLARATION

I declare that this thesis is my own work.

With awareness and a sense of responsibility towards the development of science, the author states that the thesis with the title:

### **APPLICATION OF IBNU HAZM'S TEXTUAL METHOD IN THE HADITH ON WORKING WOMEN**

Really is a scientific paper drawn up himself, not duplicate or move the data belonging to others or other researchers. If it's later proven that this thesis there are similarities, good content, data transfer, in whole or in part, then the thesis and obtained his undergraduate degree are therefore automatically annulled by law.

Semarang, May 18, 2018

The Writer,  
  
Muhammad Ulul Albab  
NIM: 134211096

## ADVISOR APPROVAL

Dear Sir,  
**Dean of Faculty of Ushuluddin and Humanity  
State of Islamic University (UIN) Walisongo  
Semarang**

*Assalamu'alaikum Wr. Wb*

After reading, watching returns various data is in it, and corrected, then we state that this final project belongs to a student as below:

Name : Muhammad Ulul Albab

NIM : 134211096

Department : Tafsir and Hadith

Title : Application of Ibnu Hāzm's Textual Method in The Hadith on Working Women

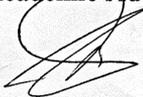
Is ready to be submitted in joining in the last examination.

*W'alaikumussalam Wr. Wb.*

Semarang, May 18, 2018

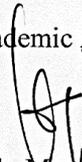
Knowing:

Academic Advisor I



Dr. Ahmad Musyafiq, M.Ag  
NIP. 19720709 199903 1002

Academic Advisor II



Moh. Masrur, M.Ag  
NIP. 19720809 200003 1003

## RATIFICATION

The thesis of Muhammad Ulul Albab (134211096) entitled APPLICATION OF IBNU HAZM'S TEXTUAL METHOD IN THE HADITH ON WORKING WOMEN was examined by Thesis examination council of Ushuluddin Humanity Faculty of Islamic State University (UIN) Walisongo Semarang and passed on: **July 12, 2018**

Therefore, this thesis is accepted as one of requirements for fulfilling Undergraduate Degree (S-1) of Islamic Theology on Tafsir and Hadith.



Chairman of Meeting

**Dr. H. Mukhsin Jamil, M. Ag**  
NIP. 19700215 100703 1003

Academic Advisor I

**Dr. Ahmad Musyafiq, M. Ag**  
NIP. 19720709 199903 1002

Examiner I

**Prof. Dr. H. Yusuf Suyono, MA**  
NIP. 19530313 198103 1005

Academic Advisor II

**Moh. Masrur, M. Ag**  
NIP. 19720809 200003 1003

Examiner II

**Muhtarom, M. Ag**  
NIP. 19690602 199703 1002

## MOTTO

مَا أَكَلَ أَحَدٌ طَعَامًا قَطُّ خَيْرًا مِنْ أَنْ يَأْكُلَ مِنْ عَمَلٍ يَدِهِ  
وَإِنَّ نَبِيَّ اللَّهِ دَاوُدَ كَانَ يَأْكُلُ مِنْ عَمَلٍ يَدِهِ ①

“it is not a person that eating a food is better from the result of his own efforts. And, indeed the Prophet Daud eats a food from the result of his own effort”<sup>2</sup>.

---

<sup>1</sup> HR. Bukhari no. 1966 from Al Miqdam bin Ma'diyakrib

<sup>2</sup> Saheeh International

## TRANSLITERATION

Ā	A long spelling
Ī	I long spelling
Ū	U long spelling

ARABIC LETTER	WRITTEN	NAME
ا	No symbol	Alif
ب	B	Ba
ت	T	Ta
ث	Th	Tsa
ج	J	Jim
ح	ḥ	ḥa
خ	Kh	Kha
د	D	Dal
ذ	Dh	Dhal
ر	R	Ra
ز	Z	Za
س	S	Sin
ش	Sy	Syin
ص	ṣ	ṣod
ض	ḍ	ḍad
ط	ṭ	ṭa
ظ	ẓ	ẓa
ع	‘	‘ain
غ	Gh	Ghin
ف	F	Fa
ق	Q	Qaf
ك	K	Kaf
ل	L	Lam
م	M	Mim
ن	N	Nun
و	W	Wau
ه	H	Ha
ي	Y	Ya

## DEDICATION

Day after day the author has passed, only to wait for Undergraduate Degree (S-1) in later after five years.

Now that day has turned into months and years  
No matter my faith determination join turned into perfect circles  
No one else to say the most important thing in my life  
that:

These final projects are dedicated to:

My beloved parents: Bapak Mahfudh Ahmad and Ibu Maisaroh  
Love and respect are always for you. Without them, I am nothing in  
this life

“”

My beloved brother and sisters  
(Neng Sofi, Neng Iing, Kakang Afif, Dek Zila and *Dek Ayyin*)  
Thanks for your love for me to keep on good study. You are all my  
motivation

“”

And everyone who teaches me even a latter. May Allah, your  
knowledge become *Pahala* for the beyond

## ACKNOWLEDGMENT

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Praise to Allah SWT, the presence of the author has done this thesis, which entitled “Application of Ibnu Hazm’s Hermeneutics in The Hadith On Women Earning Money (Working Women) that is one of the conditions for the writer to earn Undergraduate Degree (S-1) of Islamic Theology in department of Tafsir Hadith, Ushuluddin and Humanity Faculty, Islamic State University of Walisong Semarang.

On this occasion, the author would like to manyampaikan a thank you to a few Parties that have been guiding, encouraging and assisting the author during his lecture until the completion of this thesis. Acknowledgements the authors tell particularly on:

The first and a special thanks to my Parents, Mahfudh Ahmad and Maisaroh, who always pray and give their money for me. So I could read instead of work. And, to Neng Ovi and Neng Iing that also always give me motivation and financial. And all my brothers that always support me from a far away.

When in the collage, First, I would like to proud of my gratitude Prof. Dr. H. Muhibbin, M.A, the Rector of UIN Walisongo, and Prof. Dr. H. Suparman Syukur, Vice Rector III UIN Walisongo. They are from the highest bureaucratic parties often give support when meeting with the author, although in interviews surrounding the campus.

My special thanks go to Dr. Ahmad Musyafiq, M. Ag, and Mr. Moh. Masrur, M.Ag, as my academic advisors, without whose guidance and encouragement, this work would not be accomplished.

Unforgotten, my big thanks also to my dean Dr. H. M. Mukhsin Jamil, M, Ag, that always give good example figure to lead in Faculty, And absolutely, great thanks to H. Mokh. Syaroni, M. Ag, as the chairman of Tafsir Hadith Departement and Dra. Sri Purwaningsih as the secretary. During the process of implementation of the writers, they offered and gives the facilities required by the author. Starting from the early determination of the task to complete.

Certainly, I also feel so proud to be part of FUPK family member to meet special people in positive environment of FUPK dormitory. Especially, I would like to say thank very much to Dr. H. Fakhruddin Aziz, Lc, MSI, and all member of FUPK 9 that become my second family. And thanks to all FUPK family cohort 10, 11, and 8, may our brotherhood be everlasting.

About family, I also would like to express my special family to Posko 39 that always support the writer every we meet. And they are: Upil, itak, Aziz, Mimud, Anik, Ulil, Bombom, Hj. Iqna, Fina, Hikmah, Ismaal.

The last but not the least, I would like to say big thank to all family of SKM AMANAT. You give me such a valuable experience of organization. From Mas Joko and family, Fajar, Sigit, Najib, Zaidi, Mbah Ghofur, Khanif, Febbi, Diyah, Nailin, Sakti, Yuni, Ayu, Pipin, and all member that I can't mention here. Thank very much for your everything.

Semarang, May 18, 2018

The Writer

Muhammad Ulul Albab

## TABLE OF CONTENT

COVER .....	i
A THESIS DECLARATION .....	ii
ADVISOR APPROVAL .....	iii
RATIFICATION .....	iv
MOTTO .....	v
TRANSLITERATION .....	vi
DEDICATION .....	vii
ACKNOWLEDGEMENT .....	viii
TABLE OF CONTENT .....	x
ABSTRACT .....	xiii

### CHAPTER I: INTRODUCTION

A. Background .....	1
B. Research Question .....	11
C. Aims and Significance the Research .....	11
D. Prior Research .....	12
E. The Methode of Research .....	13
F. The Writing Order .....	17

### CHAPTER II. WORKING WOMAN

A. The Definition of Working Woman .....	19
B. Hisrory of Working Women .....	27
B. 1. The Capacity of Women before the coming of Islam .....	31

B.1.1. Women in China and Persia .....	33
B.1.2. Women under Buddhism.....	34
B.1.3. Women under Christianity .....	36
B. 2. The Capacity of Women after Islam	38
C. Working Woman in the Views of fiqh .....	43

### **CHAPTER III: RESEARCH METHOD**

A. Thematic Interpretation .....	50
B. Ibnu Hazm al-Andalusy (384 H - 456 H) ...	54
1. Biography of Ibnu Hazm .....	54
a. The Birth.....	54
b. Education of Ibnu Hazm .....	57
c. The Works of Ibnu Hazm .....	59
C. The Scholars Assessment of Ibnu Hazm .	60
D.Hermeneutic of Ibnu Hazm: Textuall (Zāhiri) 61	

### **CHAPTER IV: TEXTUAL APPLICATION OF IBNU HAZM'S METHOD**

A. Understanding of Hadith on Working Woman.....	74
A. 1. The Hadith that doesn't recommend working women. ....	75
A. 2 The Hadith of permissible on working women .....	77
A. 3. The Quality of Hadith .. ..	83

A. 4. <i>Asbābul</i> Wurud .....	85
B. Understanding of Textual Hadith .....	90

## **CHAPTER V: EPILOGUE**

A. Conclusion .....	96
B. Suggestion.....	97
C. Closing.....	98

## **GLOSARY**

## **BIBLIOGRAPHY**

## **CURRUCULUM VITAE**

## ABSTRACT

**Muhammad Ulul Albab**, 134211096, 2018, Application of Ibnu Hazm's Textual Method In The Hadith on Working Women, Ushuluddin and Humanity Faculty, Islamic State University of Walisong Semarang.

Academic advisor: Dr. Ahmad Musyafiq, M.Ag and Moh. Masrur, M.Ag

In view of the public, women and men are equal, i.e. as a leader on Earth (*Khalifah Fīl 'Arḍi*). But from the mental strength and certainly very different in raring to go in her every day. Moreover, the question of employment, will certainly be discovered limitations to women as well as men not to pass it.

The Hadith of Prophet Muhammad about working women still be good discussion to review in comprehensive understanding. In addition, there is the permission for women to work as well as men, and also there is the hadith that doesn't recommend women to work out of the House. It was interesting that became current in the discussions of the Hadith to be interpreted with different theories and history. Because the Hadith of Prophet Muhammad naturally occurring a chronology of the Hadith in which the Prophet time allow working women or forbid women to work. Thus, the existence of two understanding between permit by banning issues of working women is certainly becoming a problem that should be known to be or whether. This research presents textual interpretation with a socio historical view related to the problem of working women in Islam era or before coming Islam. So that, in this textual interpretation is not merely what is said of the text. However, also see the history of who have been justified at the time of the Prophet related to the working women. Although there is some hadith that doesn't recommended on working women, in fact from Islam since before Islam there are many women doing some work.

**The keyword:** *Working women, The Capacity of Women, Textual*

# CHAPTER I

## INTRODUCTION

### A. Background

The text of the ḥadīth of the Prophet who has gone through a very long period of stay must be done in accordance with the understanding of the meaning. Remember, the Prophet understanding of the text of ḥadīth can vary. Therefore, any sects arose in Islam. Even, there are a bunch of people who just believed that truth should be one kind of understanding and will not accept other than what they understand.<sup>1</sup> The statement that Islam is *Ṣoliḥu likulli zamān wal makān*, proves flexibility and elasticity of Islamic teachings certainly not strict and rigid orthodoxy.<sup>2</sup>

In this case still many approaches that can be applied in understanding of ḥadīth as a religious text, one of them is textual approaches. This approach has a criterion of adjacent to approach the interpretation of which has been known in the Islamic world. According to Ibnu Ḥazm, there are textual or normative approach to what the content of the text. Without reducing or adding in that text, Ibnu Ḥazm prohibits narrated the ḥadīth with the meaning.<sup>3</sup>

---

<sup>1</sup> It is like saying Nashiruddin Albani, *the nature of the prayer of the Prophet*, (Jakarta: Pustaka Firdaus, 2007), p. 16

<sup>2</sup> M. Amin Abdullah "*The Ḥadīth in the corpus of Muslim Intellectuals: Al-Ghazali and Ibn Taymiyyah*", in the development of thought against the Ḥadīth, ed. Yunahar Ilyas, (Yogyakarta: Agency assessment and Practice Islam (LPPI), Universitas Muhammadiyah Yogyakarta, 1996), p. 91

<sup>3</sup> Toha bin Ali Busrih, *Manhaj Hadīts li Ibnu Ḥazm*, (Beirut-Libanon: Dar Ibnu Ḥazm, 2001), p. 215

As for legal propositions, Ibnu Ḥazm itself in *Istimbāṭ* law in a matter of just based on the Qur'an,<sup>4</sup> Ḥadīth, consensus and ad-evidence, without the use of other evidence such as *Qiyās* and *Istiḥsān*<sup>5</sup>. It can be seen from the expression of Ibnu Ḥazm in his work *al-Iḥkām fi Uṣūl lil Aḥkām*:

Uṣhūl al-Aḥkām i.e:

الأصول التي لا يعرف شيىء من الشرائع إلاّ منها, وأتمها اربعة وهي: نص القرآن, ونص كلام رسول الله صلى الله عليه وسلم, الذي إتما هو عن الله تعالى ممّا صحّ عنه عليه السّلام نقل الثقات او التواتر, وإجماع جميع علماء الأئمة, او دليل منها لا يّحتمل إلاّ وجها واحداً<sup>6</sup>

Meaning: the basics of law which cannot be known something of *Syarī'ah* except him are four, namely: Nash of the Qur'an, the word of the Prophet who is also from Allah SWT be something of Abash who from a Prophet and taken by people who really trusted or take by *mutawatir*, then the consensus of the scholars of the Muslims or *dalīl* of consensus and *nāṣ* and consensus that does not contain but one possibility of course.

Ibnu Ḥazm try to make decided law just based on text, namely by looking at the Reason contained in the text. Therefore, Ibnu Ḥazm

---

<sup>4</sup> *Ibid*, p. 216

<sup>5</sup> Ibnu Ḥazm had its own way in an effort of keeping *nāsh*, i.e. use the ad-dalīl. Ad-dalīl is the law provisions which directly grasp of *nāsh* itself. The approach used by Ibnu Ḥazm is the *istidlāl* approach with evidence ruling refund directly from *nāsh* and consensus. Ad-evidence obtained from *nāsh* there are 7 forms of consensus while the grouped Ibnu Ḥazm in 4 kinds.

<sup>6</sup> Ali bin Ahmad bin Sa'id bin Ḥazm, *an-Nabzat al-Kaifiyyat fi Ahkam Ushul addin*, ( Beirut : Dār al-Kitāb al-Ilmiyyah, 1985 ), p. 1. See also: Ibnu Ḥazm, *al-Iḥkām*, jilid I, p. 70

in dubbed by most scholars as Al-Zahiri and he does not make the *qiyās* as the basis of law in decide a law that he belongs to the scholars called *nufat al-qiyās* (which negates the *qiyās*).

So that why, the author intends to apply the theory of Ibnu Hāzım's interpretation or manner against the problems of the rights and obligations of women in public. more specifically, discussion of working women.

The rights in question is something that is accepted by a person from another person, whereas the definition of the obligation is what must be done someone towards others. In a relationship the husband and wife in the household, the husband has the right, and the wife has the right. Behind it the husband had some obligations, and so does the wife have some obligations.<sup>7</sup>

Islam came to the world restoring honor, dignity, and rights of women at all times of their life, from childhood, adolescence, adulthood, when being a wife to a woman becoming a grandmother.<sup>8</sup> Islam recommends that men treat women with great tenderness and affection, as the word Rasulullah SAW in his pilgrimage of Wada': (1468).

وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، حَدَّثَنَا حُسَيْنُ بْنُ عَلِيٍّ، عَنْ زَائِدَةَ، عَنْ مَيْسَرَةَ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ، فَإِذَا شَهِدَ أَمْرًا فَلْيَتَكَلَّمْ بِخَيْرٍ أَوْ

---

<sup>7</sup> Ahmad Rofiq, *Hukum Perdata Islam di Indonesia*, Jakarta: PT Raja Grafindo Persada, 2013, p.147

<sup>8</sup> *Ibid*, p. 161

لَيْسَ كُنْتُ، وَاسْتَوْصُوا بِالنِّسَاءِ، فَإِنَّ الْمَرْأَةَ خُلِقَتْ مِنْ ضِلَعٍ، وَإِنَّ أَعْوَجَ شَيْءٍ فِي الضِّلَعِ أَعْلَاهُ، إِنْ ذَهَبَتْ تُقِيمُهُ كَسَرَتْهُ، وَإِنْ تَرَكَتْهُ لَمْ يَزَلْ أَعْوَجَ، اسْتَوْصُوا بِالنِّسَاءِ خَيْرًا<sup>9</sup>.

Translation: it has been delivered to us Abu Bakr Ibn Abi Shaybah, was submitted to us of Husayn ibn Ali, of Zaidah, from Maisaroh, from Abu Hazim, from Abu Hurayrah, the Prophet Muhammad SAW said: whoever holds the end of the day, so if you see a women who speak well or did not speak. And treat women,,,,, treats women with good<sup>10</sup>.

According to Abdul Halim Abu Syuqqah men holding a leadership position within the family, like the ḥadith narrated by Bukhāri and Muslim: "from Abdullah ibn Umar said that the Messenger of Allah-Zubair. Said:

وَالرَّجُلُ رَاعٍ فِي أَهْلِهِ وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ<sup>11</sup>

"... and a man is the leader to members of his family and he will be subject to accountability upon them ..." (Narrated by Al-Bukhāri and Muslim)<sup>12</sup>.

In the ḥadith, the Prophet explain that his wife is part of the responsibility of the husband in the family. Throughout his needs,

---

<sup>9</sup> Imam Muslim bin al-Hajjaj al-Qusyairy Annaisabury, *Shohih Muslim*, Juz 2, (Beirut: Dār al-Kutub al-Ilmiyyah, 1994), p. 1091

<sup>10</sup> Abdul Halim Abu Syuqqah, *Kebebasan Wanita*, (Jakarta: Gema Insani Press, 2000), p. 118

<sup>11</sup> Muhammad bin Ismail Abu Abdillah al-Bukhori, *Syarh Shohih Bukhori*, Juz 12, (Beirut : Dār al-Kitāb al-Ilmiyyah 1996), p. 142

<sup>12</sup> Abdul Halim Abu Syuqqah, *Kebebasan Wanita*, *Op.Cit*, p. 124

such as clothing, food, housing, and income are all dependent on the husband after the Covenant of marriage have been fulfilled.<sup>13</sup>

But instead, the Prophet also once said didn't suggested a woman to earn a living in work will also be a catastrophe for him:

حَدَّثَنَا أَبُو أَحْمَدَ الرَّبِيعِيُّ، حَدَّثَنَا بِشِيرُ بْنُ سَلْمَانَ، عَنْ سَيَّارٍ، عَنْ طَارِقِ بْنِ شَهَابٍ، قَالَ: كُنَّا عِنْدَ عَبْدِ اللَّهِ، جُلُوسًا، فَجَاءَ رَجُلٌ، فَقَالَ: قَدْ أُفِيصَتِ الصَّلَاةُ. فَقَامَ وَقُمْنَا مَعَهُ، فَلَمَّا دَخَلْنَا الْمَسْجِدَ، رَأَيْنَا النَّاسَ رُكُوعًا، فِي مُقَدِّمِ الْمَسْجِدِ، فَكَبَّرَ وَرَكَعَ، وَرَكَعْنَا ثُمَّ مَشَيْنَا، وَصَنَعْنَا مِثْلَ الَّذِي صَنَعَ، فَمَرَّ رَجُلٌ يُسْرِخُ، فَقَالَ: عَلَيْكَ السَّلَامُ يَا أَبَا عَبْدِ الرَّحْمَنِ، فَقَالَ: صَدَقَ اللَّهُ وَرَسُولُهُ، فَلَمَّا صَلَّيْنَا وَرَجَعْنَا، دَخَلَ إِلَى أَهْلِهِ، جَلَسْنَا، فَقَالَ بَعْضُنَا لِبَعْضٍ: أَمَا سَمِعْتُمْ رَدَّهُ عَلَى الرَّجُلِ: صَدَقَ اللَّهُ، وَبَلَّغَتْ رُسُلُهُ، أَيُّكُمْ يَسْأَلُهُ؟ فَقَالَ طَارِقٌ: أَنَا أَسْأَلُهُ، فَسَأَلَهُ حِينَ خَرَجَ، فَذَكَرَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنَّ بَيْنَ يَدَيِ السَّاعَةِ تَسْلِيمَ الْخَاصَّةِ، وَ َفُشُوَ التِّجَارَةَ، حَتَّى تُعَيَّنَ الْمَرْأَةُ زَوْجَهَا عَلَى التِّجَارَةِ، وَقَطَعَ الْأَرْحَامَ، وَشَهَادَةَ الزُّورِ، وَكَيْمَانَ شَهَادَةَ الْحَقِّ، وَظُهُورَ الْقَلَمِ<sup>14</sup>.

"among the leading up to the onset of the Apocalypse are people just to give a special people (people who just knew only), spread trading. So, a woman helping her husband, and the breakdown of false testimony, and commercial *silaturrehmi*, and hidden when testimony is true, and it seems that the pen"

<sup>13</sup> Khalid Al-Namadi, *Risalah Buat Wanita Muslimah*, (Jakarta: Pustaka Mantiq, 2002), p. 69

<sup>14</sup> Ahmad bin Hambal, *Musnad al-Imam Ahmad bin Hambal*, Juz 8, (Beirut: Dār al-Kutūb Al Ilmiyyah, 1994), p. 529

Implied, the Prophet forbade the women join the work. It is categorized under the signs of the Apocalypse by the Prophet, because the woman is very worrying indeed participated in the world of work.

The scholars are unanimously agreed upon the obligations of a husband gives his wife's income, as claimed by Ibnul Mundhir, Ibnu Hāzīm, Ibn Qudaamah, and others. Do not become a liability of husband, if his wife refused, the woman's family or hinder the husband to approach and get in touch with his wife, the husband's obligations as it gives a living as the reciprocal of the benefits provided the wife.<sup>15</sup>

However, in the discussion of the right and the obligation to give a living this time many different opinions. If the husband not being able to give a living his wife, then the scholars disagree about whether may and wife sue of separation with her husband.<sup>16</sup>

The first opinion: wife not entitled to demand a breakup with her husband, but, must be patient and your husband should try everything possible though should be owed. Second opinion: the wife has the right to choose between her husband's businesses be patient and wait, or demanding separation with her husband.<sup>17</sup>

---

<sup>15</sup> Imam Ibnul Mundzir, *al-Ijma'*, Maktabah Al-Furqan & Maktabah Makkah Ats-Tsiqofiyah, 1999 p.78

<sup>16</sup> <https://maktabahabiyahya.wordpress.com/2012/06/06/fiqih-nafkah-memahami-kewajiban-memberi-nafkah-dalam-islam/>, accessed on Mei 28, 2017 at 03:41 am

<sup>17</sup> This is the opinion of the Maliki madhhab, Al-Shaafa'i, and opinions right from the Hanbali madhhab, and this is the opinion of the majority of scholars, and this opinion was narrated from Umar bin Khottob, Ali Tholib, Abu hurairah, Sa'id bin Musayyib, Hasan al-Basri, and others (see

It's obvious, if the question of a living already charged to the husband in the family. It's been worth it and become the deal if man could lead the family. Leaders will be subject to liability for his flock.

Explanation of the ḥadith of liability of men against women above, that a wife or daughter who wants to do a job that is the profession, must request permission to him first.<sup>18</sup> Among the women participation motivation in social life and his encounter with men is to run the profession and help her husband (husband's earnings if it has not been sufficient), to get the cost of which will be used in order to realize the goal of good.<sup>19</sup>

Mutual answer between married couples in a variety of affairs is a very commendable thing. It is the capital of the family founded upon love and compassion as well as sharing their love and grief. If it is not accompanied by mutual answer, chances are it will happen a dispute regarding the results obtained from his job wife.<sup>20</sup>

In the principle of Islam does not forbid women to work inside or outside his home, independently or together, with the private sector or the Government, for the work he had done in a respectable and if they can keep the religious guidance and can avoid the negative impacts of the work that he had done it against themselves and their

---

a more complete details in Taudhihul Ahkam min Bulughil Maram 5/145, Jami' al-Ummahat li Ibnul Hajib p.333, and Fiqhul Muyassar/Qismu Fiqhil Usrah 3/216-217)

<sup>18</sup> Abdul Halim Abu Syuqqah, *Kebebasan Wanita*, (Jakarta: Gema Insani Press, 2000), p. 419

<sup>19</sup> *Ibid*, p. 62

<sup>20</sup> *Ibid*, p. 434

surroundings. Work can be compulsory for women if the circumstances require it, such as if a bear and there were no midwives who assist him unless he or is he as workers need them for the sake of keeping his survival or child life.<sup>21</sup>

Many women at the time of the Prophet and his companions work, either independent or not, to help her husband who could not afford to meet its gives a living family.

At the time of the Prophet and his companions, he is known among other Ummu Salim Bint Malham as first bride, Ummi Qilat bani Ammar as a trader, Zainab Ibn Jahsy a known involved in the work of washing the animal skins, As-Syaffa ' who gets the task of the Caliph Umar Ibn Khathab<sup>22</sup> market handle Medina and many more others, indeed specifically for women that is a wife, before working He must get permission from her husband, and if without his permission, the liability of husband for giving him a living can fall.<sup>23</sup>

At that time, the messenger of Allah also allows a woman to earn money or doing some work. Like the prophet said:

حَدَّثَنِي مُحَمَّدُ بْنُ حَاتِمٍ بْنُ مَيْمُونٍ. حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنِ ابْنِ جُرَيْجٍ  
ح. وَ حَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ. حَدَّثَنَا عَبْدُ الرَّزَّاقِ. أَحْبَبْنَا ابْنَ جُرَيْجٍ. ح  
وَحَدَّثَنِي هَارُونُ بْنُ عَبْدِ اللَّهِ (وَاللَّفْظُ لَهُ). حَدَّثَنَا حَجَّجُ بْنُ مُحَمَّدٍ. قَالَ: ابْنُ

---

<sup>21</sup> M.Quraish Shihab, *Tafsir Al-Mishbah: Pesan, kesian dan keserasian Al-Qur'an*, (Jakarta : Lentera Hati, 2009), p. 577

<sup>22</sup> In *Al Isabah li-Ibni Hajar, juz VII*, p. 728, The text of ḥadith: أن رضي الله عنه استعمل الشفاء على السوق. قال: ولا نعلم امرأة استعملها غير هذه عن يزيد بن أبي حبيب

<sup>23</sup> M.Quraish Shihab, *Tafsir Al-Mishbah, Op.Cit.*, p. 577-578

جُرَيْجٍ: أَخْبَرَنِي أَبُو الزُّبَيْرِ، أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ طَلَّقْتُ خَالَتِي  
فَأَرَادَتْ أَنْ بَحِّدَ نَخْلَهَا فَرَجَحَهَا رَجُلٌ أَنْ تَخْرُجَ فَأْتَتْ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ  
وَسَلَّمَ فَقَالَ بَلَى فَعُدِّي نَخْلَكَ فَإِنَّكَ عَسَى أَنْ تَصَدَّقِي أَوْ تَفْعَلِي  
مَعْرُوفًا.<sup>24</sup>

Translation: my aunt divorced, and he was about to cut down the tree of her palm. man forbade him to come out. He came before the Prophet, he said, not so, down the tree your palm, because perhaps you could give out charity or doing charitable goodness (with palms).

Explicitly, the allow a woman who go out to work or to do work that can earn. In that ḥadith explain that there is a woman take some palms in her garden to fulfill her needed. Because she doesn't have husband after gets *Talaq*.

From the excerpts proved that women could make a living if it's for the good. So many Muslim women flocking to work and pursue a career in a variety of areas of life. They make the women of the West as the direction to emulate all aspects of his actions.<sup>25</sup>

It can be concluded according to the ḥadith that women could perform activities outside the House for a purpose which is indeed important and good. The purposes of what is not important than searching for a living and fortune himself and his family? Enjoy the

---

<sup>24</sup> Imam Muslim bin Al Hajjaj Al Qusyairy Annaisabury, *Shohih Muslim*, juz 6, (Beirut: Darul Kutub Al Ilmiyyah, 1994), p. 91-92

<sup>25</sup> Khalid Al Namadi, *Risalah Buat Wanita Muslimah*, (Jakarta: Pustaka Mantiq, 2001) p. 176

results of his own sweat fortune is better than ask to others. The ḥadīth also explained about the practice of good hope for a reward.<sup>26</sup>

Thus, not forbidden for a woman to work for the sake of meeting the needs of his family. What more if there are no more people besides her to run this task. Then conditions such as this into a motivation for women to work outside the home.

The woman is already included to make a living, but women should receive is merely a living. Because her husband was the one who was supposed to meet for a living.<sup>27</sup> Due to the longer life the burden increasingly heavy, so it is not impossible that in the end was quite the man invites his wife to work together carried the burden of the family. such is indeed incompatible with the sunnah of the Prophet, because in the same way women are not obliged to give a living to her family.<sup>28</sup>

From here the author will discuss in thematic ḥadīth about the capacity of working women (earning a living). Starting from the hadeeth of positive about the ability of women out to work to the negative side of the existing ban on women working. In these ḥadīth will be understood by the interpretation of Ibnu Ḥazm that leads to the textually side. Then the author intends to discuss this in the title

---

<sup>26</sup> *Ibid*, p. 181

<sup>27</sup> Muhammad Syarif Chaudhry, *Women's Rights in Islam*, (Chitli Qabar Delhi, Adam Publishers-1997), p. 32

<sup>28</sup> Muhammad Al- Areifi, *m.inilah.com*, /news/detail/2309014/tanda-akhir-zaman-istri-membantu-suami-berniaga, accessed on Juli 3, 2017 at 02:17 am

## "Application of Ibnu Ḥazm's Textual Method in the Ḥadith on Working Women"

### B. Research Questions

The authors restrict the issues that will be examined in the legal capacity of women to work for a living. Viewed in the present a lot of women who could be said to be strong. In fact, it was able to outperform men are supposed to that's not part of it. A matter of making a living or a job that is usually dealt with men now can share with women.<sup>29</sup>

As for the issue that would later try answered in this research are as follows:

1. What is the view of ḥadith on working women?
2. How is the textual application of Ibnu Ḥazm in the ḥadith on working women?

### C. Aims and Significance the Research

Based on the above background, the study aims to discuss critically the capacity of women back to work for a living in the theory of the interpretation of Ibnu Ḥazm. It will explain the theory of Ibnu Ḥazm and evaluate law that women earn a living for her family. Among other things covers:

1. To determine the social history or the formula on permissible and whether of women ability to work

---

<sup>29</sup> Murtadha Muthahhari. *Hak-Hak Wanita Dalam Islam*, (Bandung: Penerbit Pustaka, 2000) p. 101-102

2. To know the views of women's ability to work in ḥadith perspective

Therefore, in this discussion will formulate applications of Ibnu Ḥazm's textual method to women's ability to work, and all of this is expected to be contributed to the corpus of ḥadith studies.<sup>30</sup>

#### **D. Prior Research**

This is an application of the theory of interpretation of afigure. Target or main object of this study is the interpretation of ḥadith about working women.

The author has not found other mini-thesis with similar titles or resembles. One mini-thesis with different but near object is the work of Ahmad Tajuddin Arafat with the title "*Manhaj Ibnu Ḥazm fī At-Ta'amūl ma'a As-sunnah Nabawiyah*", he talks about the interpretation of sunnah with manhaj Ibnu Ḥazm.

The use of al-Zahiri (textual) method is used by several other researchers, including: the study of thought-provoking Ibnu Ḥazm top Embellishments (*Based on The Approach of Analogy (Qiyās) in the Determination of Islamic Law*) written by Hardi Wirman, a student of *Syarī'ah* and law Faculty UIN Sunan Kalijaga. In this mini-thesis described about interpretation, hermeneutics, and the method how to understand the text.

The author has found other mini-thesis with similar titles or resembles. One mini-thesis with different but near object. The ability

---

<sup>30</sup> Munzier Suparta, *Ilmu Hadits* (Jakarta PT. Raja Grafindo Persada, 2008), p. 113

of women to look for some money has been explained in the thesis of Ziyadatun Ni'mah, student of UIN Sunan Kalijaga in KH. Husein Muhammad views with the title "Wanita Karir dalam Perspektif Hukum Islam (Studi pandangan K.H. Husein Muhammad)". She describes about fenomenology meaning of women in public. In her thesis, explained that a career woman in view of feminist figures Indonesia namely Husein Muhammad his still thick with boarding world and use reference classical *fiqh*, plus the ability to read critically against Islamic treasures, as well as forming a fairly intact and thinking systematically about *fiqh* notably female gender perspective in *fiqh*.

No one of those is like this research.

#### **E. The Methode of Research**

Type of this research is qualitative with descriptive-analytic method. The initial step to be taken is collecting the required data by thematic, then classification, description and then analysis. The method of writing this research can be broken down as follows:

##### **1. Type of Research**

This study uses qualitative research types, namely a study which is done by doing library research that focuses on using the data and examine the books and works of reference in other forms. Library research is research that is conducted by using the

resources available in the library and some other available information.<sup>31</sup>

Based on the aim, this research includes basic research, i.e. research to broaden and deepen the knowledge theoretically. And use the theory of Yusuf Qardhawi in thematic method. Thus, this study seeks to analyze (a Thematic Studies) and use an Ibnu Ḥazm's method with Textual Applications<sup>32</sup> toward the ḥadith of the capacity of working women "in depth with references to the books related.

## 2. The source of data

### a. Primary Source

The object of this study is hadits about women who look for basic necessities of life. So, the primary resource is ḥadith, including other ḥadith correlating with it or describe the book of ḥadith from *Kutūb al-Sittah* and *Musnad Ahmad*.

### b. Secondary Resource

The secondary sources of data are books interpretation, *munāsabah*, *asbābulwurūd*, and history books. While the theory that the author uses is a hermeneutic theory of Ibnu Ḥazm

---

<sup>31</sup> Lexy J. Meleong, *Metodologi Penelitian Kualitatif*, Remaja Rosda Karya, Bandung, 1993, p. 2.

<sup>32</sup> Hermeneutics is also viewed as a disciplined understanding of Linguistics, that is the science that describes the conditions that must be in every interpretation, more accurately called some general hermeneutics that became the cornerstone of all forms of interpretation. So, the word hermeneutics can be inherited from as a science and art to interpret a text. (See: Chanafie al-Jauhari, *Islamic Hermeneutics: Build the Civilization of the Lord in the Global Scene* (Yogyakarta: ITTIQA Press, 1999), p. 23

towards social ḥadīth , namely the method of textually or *ẓahirī*. Thus, the data source used of course books explain or related such as, *Al manhaj Al hadīth 'inda Al imām Ibnu Ḥazm Al andalusy, Al nubadz fi Uṣūl Fiqh Al Ḍahirī* and so forth.

Target of main object of this study is the interpretation of ḥadīth about women who look for basic necessities of life and other ḥadīth associated with that ḥadīth . The data of this research are taken from the references that fit the theme from various sources related to the subject that the author adopted, such as the works of Ibnu Ḥazm. Data are also retrieved from the written data in the form of books, journals and articles related to Ibnu Ḥazm's theory in ḥadīth .

Among books that the authors will make a referral are as follows:

- 1) *Almuhallā* that discuss about ḥadīth , *fiqh*, *syadidul mu'ārodhoh*, *ushūl* and other explained that has collected by Ibnu Ḥazm al-Andalusy from darul fikr
- 2) *Al-Ihkām fi Ushūl al Ahkām*, *Ushul* is talking about the book is *Fiqh*, *Ushūl Fiqh Ḍahirī* mainly consists of 2 volumes which have 8 juz
- 3) *al-Fisal fi al-Milal wa al-Ahwā' wa an-Niḥal*, this book discusses about the dividing line between religions, Sects and Doctrine

- 4) *Isal Ila Al-Fahm al-Khisal al-Jami'ah* in Jumal Syarai ' al-Islam (an introduction to understand the Alternatives that include the entirety of the Islamic jurisprudence)
- 5) And another source *Perempuan Tertindas? Kajian Hais-hadis "Misoginis"*, that has been created Hamim Ilyas dkk in Pusat Studi Wanita (PSW) IAIN Sunan Kalijaga Yogyakarta; 2003. This book edited by Mochamad Sodik and Inayah Rohmaniyah in Indonesian Language

The phenomenon of injustice against women occur frequently especially when it is in the public sector.

### 3. Data Collection Techniques

Author collects primary data, namely ḥadith about the right and obligation of working women. And other ḥadith supporting this ḥadith which ability of working women". Other data that is the interpretation with study document of the *salaf* or conventional interpreters, books of *Asbābul Wurūd*, the context and the text of ḥadith revelation that include social history, economic, conditions, and so forth.

Furthermore, the author collects data about Ibnu Ḥazm's textually formulation from any sources to build a sharp analyze and resulting an interpretation of the ḥadith.

### 4. Data Analysis Techniques

Once the data is collected, selected and arranged such that, the next step is the analysis of the data. Data analysis encompasses three stages. Namely data reduction, presentation, and conclusion.

The data which has been already presented descriptively and reducible then applied to the specified object. The presentation process is as follows:

- a. Describing the content of ḥadith of the capacity of working women
- b. Presenting ḥadith women who earn a living with the established paradigm, the conventional interpretation of Muslim scholars through the classical commentaries.
- c. Describing in detail the application of of Ibnu Ḥazm's textual method.
- d. Analyzing ḥadith of working women with the textual of Ibnu Ḥazm's method.

The inferences are made based on the analysis and interpretation of the result, and then taken summary and conclusions.

## **F. The Writing Order**

Systematic of writing is designed to provide a clear image of the writing of this research consists of five chapters, each chapter has sections.

Chapter I is an introduction that provides the background of the problem, the reason of title selection, subject matter, purpose and significance of research, literature review research methodology, and systematic. This chapter will be referred by later chapters.

Chapter II contains a study of the basic theory of this research, the author will present the definition of the right and obligation to earn

a money by working, history of the right for working women before Islam and after Islam coming, history of ability for working women, and the view of *fiqh* toward the prohibition.

Chapter III, the researcher presents analysis method of ḥadīth, and biography of Ibnu Ḥazm. Until the views of scholars about him. In the last this chapter, will explain about Ibnu Ḥazm's textual method. Though and theory of interpretation; textually (normative).

Chapter IV is the core of this writing. The author will discuss textually of Ibnu Ḥazm, systematic interpretation with application of Ibnu Ḥazm's theory of interpretation, textually towards ḥadīth of ability for women working. In this chapter, the author will also analyze the merits and the shortage of Ibnu Ḥazm method in interpreting social ḥadīth. It will contain ḥadīth that doesn't recomend on working women and permissible on working women, prophetic tradition on the ability of women to earn a living, historically (*Asbābul Wurūd*), classical interpretation of ability for working women, understanding the textual on working women.

Chapter V is an epilogue that contains conclusions about the subject matter of this thesis, suggestion and closing.

## CHAPTER II

### WORKING WOMAN

#### A. The Definition of Working Woman

The social condition of Muslim women seems to preoccupy non-Muslims as much as Muslims themselves, although for totally different reasons.<sup>1</sup> In any discussion involving women, the Qur'an and ḥadith are invariably the point of departure. Both devout Muslim and non-Muslim produce Qur'anic passages: either to show that Islam gave women certain rights, or that it did not give women such rights.

In Arabic language, the woman is "نساء" (اسم) from the word consists of four letters; nūn (ن), sin (س), alif (ا), hamzah (ء). It's word *jama'* from امرأة the mean woman.<sup>2</sup> When viewed in terms of the word etymologically derived from the female masters who has the meaning of "master", people who are skilled or powerful, head, hulu, the most.<sup>3</sup> In that sense it's been explained if the woman also has a position worthy of her clothing. However, women also have a sense appreciated, because the woman's words also derived from *Sanskerta* i.e. *Wan* that means desire.<sup>4</sup>

---

<sup>1</sup> Mai Yamani, *Feminisme and Islam (Legal and Literary Prespectives)*, (Lebanon: Ithaca Press, 1996) p. 33

<sup>2</sup> From Application in Google Play, namely; تطبيق معجم المعاني المجاني

<sup>3</sup> <http://tuisanterkini.com/artikel/artikel-ilmiah/9200-pengertian-perempuan.html>, accessed on Maret 12, at 12.00 pm

<sup>4</sup> Zaitunah Subhan, *Qodrat Perempuan Takdir atau Mitos* (Yogyakarta: Pustaka Pesantren, 2004) p. 1-2

It is ironic, when women are defined as objects of lust. But should that be the subject and be in harmony with the man. However, women are part of a female, therefore women cannot stand on its own. Such as the ḥadith of the Prophet:

حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ، حَدَّثَنَا حَمَّادُ بْنُ خَالِدٍ الْحَيَّاطُ، حَدَّثَنَا عَبْدُ اللَّهِ الْعُمَرِيُّ، عَنْ عَبْدِ اللَّهِ، عَنِ الْقَاسِمِ، عَنْ عَائِشَةَ قَالَتْ: سُئِلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الرَّجُلِ يَجِدُ الْبَلَلَ وَلَا يَذْكُرُ اخْتِلَامًا. قَالَ: «يَعْتَسِلُ»، وَعَنِ الرَّجُلِ يَرَى أَنَّهُ قَدْ اخْتَلَمَ وَلَا يَجِدُ الْبَلَلَ. قَالَ: «لَا تُغْسَلُ عَلَيْهِ» فَقَالَتْ: أُمُّ سَلِيمٍ الْمَرْأَةُ تَرَى ذَلِكَ أَعْلَيْهَا تُغْسَلُ؟ قَالَ: «نَعَمْ. إِنَّمَا النِّسَاءُ شَفَائِقُ الرِّجَالِ»<sup>5</sup>

Translation: Our event is Qutaiba ibn said, we have been told by Hammad bin Khaled Al Khayat, Abdullah al-Omari, about Abdillah, about Aisha said: The Messenger of Allah (peace and blessings of Allah be upon him) was asked A man finds a wet and doesn't mention a reproach. He said, "wash up," and the man finds that he has not been wet and does not find moisture. He said, "Don't wash it." Said: **indeed, women are part of a men.**

The women were part of a man, if viewed from a modern science that highlights the difference between men and women is simply the difference in the organs of his body, and that this has no effect on the structure of the fundamental physical and spiritual,<sup>6</sup> on the right that depend on it and have the responsibility?

---

<sup>5</sup> Abu Dawud Sulaiman, *Sunan Abu Dawud*, (Beirut: al-Maktabah al-'Ashriyah) p 61

<sup>6</sup> Murtadha Muthahhari, *Hak-Hak Wanita dalam Islam*, (Jakarta: Lentera, 1997) p 1

In this effort, various work done to differentiate the dichotomy of women who "dislike" and "imperceptibly", i.e. a working production or reproduction, domestic work or not work mercenaries, and domestic/not mercenaries.<sup>7</sup>

#### 1. Production or Reproduction

In the literature of women's studies, since doing category of work, people often create a dichotomy between so-called reproductive work and production work. Actually, the public should always their work production (producing something)<sup>8</sup>

#### 2. Domestic or not domestic

Some scholars differentiate between work of domestic and work is not domestic. But, it is still not clear the limit. Physical space (home) or the Organization of social and economic? There are still plenty of criticism. Still some say relations between domestic work and not the nature of the domestic is not constant and is strongly influenced by cultural contact and historical.<sup>9</sup>

#### 3. The work paid or non-paid

According to the study, women's work is seen on the basis of wages and not mercenaries. Indeed, despite the absence of wages is some important criteria for the classification of work.<sup>10</sup>

---

<sup>7</sup> Beneria, L, *Reproduction, Production, and The Sexual Division of Labour*, Cambridge Journal of Economics 3 No. 3, p. 203

<sup>8</sup> Haris, O and K. Young, *Some Problems in The Analysis of Reproduction*, (London: Macmilan, 1982) p.214

<sup>9</sup> *Ibid*, p. 217

<sup>10</sup> *Ibid*, p. 221

Women are also called *mukallāf*<sup>11</sup> (people who have a responsibility) as men. Women also got the commands and prohibitions of Allah, be rewarded and get torment. In the words of God are also described:

إِنَّ الْمُسْلِمِينَ وَالْمُسْلِمَاتِ وَالْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ وَالْقَانِتِينَ وَالْقَانِتَاتِ  
وَالصَّادِقِينَ وَالصَّادِقَاتِ وَالصَّابِرِينَ وَالصَّابِرَاتِ وَالْخَاشِعِينَ وَالْخَاشِعَاتِ  
وَالْمُتَّصِدِّقِينَ وَالْمُتَّصِدِّقَاتِ وَالصَّائِمِينَ وَالصَّائِمَاتِ وَالْحَافِظِينَ فُرُوجَهُمْ  
وَالْحَافِظَاتِ وَالذَّاكِرِينَ اللَّهَ كَثِيرًا وَالذَّاكِرَاتِ أَعَدَّ اللَّهُ لَهُمْ مَغْفِرَةً وَأَجْرًا  
عَظِيمًا<sup>١٢</sup>

Translation: Indeed men and muslim women, men and women of the believers, men and women who are obedient, the men and women who speak the truth, men and women who are patient, male and female *khusuk*, men and women who give out charity, men and women who fast, for men and women keeping his honor, men and women who remember Allah, God has provided for them is forgiveness and a great reward.

Thus, the status between women and men will look the same (equal) in many ordinary Affairs of men do too. In different proportions of women with men in their views on the issue of family life; in the event that they are linked to itself any time they are different. Obviously, the nature of keterpautan men to women is not the same as the nature of the relation between women upon men.

---

<sup>11</sup> Abdul Halim Muhammad Abu Syuqqah, *Self-Women according to the Qur'an and the Hadith*, (Kuwait: Dar Al-Qalam, 1990), p. 14

<sup>12</sup> QS. Al-Ahzab (33): 35

Despite the fact that the attraction is mutual. However, unlike the remains of bodies that do not animate.<sup>13</sup>

Definition of work often do not only concern what someone, but also concerning the employment aspects influenced the conditions, as well as social assessment is given against the work. In the community we now know as well as market-oriented commercialization is often held a strict distinction between mercenary's work or income-generating work and work is not a mercenary or work that does not get the revenue.<sup>14</sup>

In such situations, why are women's work often does not seem (invisible). Because women often do not know the work is clearly his wages. Although it sounds rough enough, A.C. Pigou, an expert in economics, described the situation is straightforward:

*“When all the man mating with their housekeeper, indicator (statistics) will show the decline in participation nationwide. Because, as housewives, they will not be listed again as a wage earner and thus will not be considered in national statistics. They become "women who do not appear", they are not considered as people work or as a producer of a living.”*<sup>15</sup>

In an effort lift the working dimensions of women who often are not recognized, then the women's studies in the literature have

---

<sup>13</sup> Murtadha Muthahhari, *Hak-Hak Wanita dalam Islam*, (Jakarta: Lentera, 1997), p. 114

<sup>14</sup> Ratna Saptari dan Brigitte Holzner, *Perempuan, Kerja, dan Perubahan Sosial*, (Jakarta: Pustaka Utama Grafiti, 1997), p. 14

<sup>15</sup> *Ibid*, p. 15

been many discussions about how it relates to productive work, and pa means positions for women.<sup>16</sup>

On era Millenia, the issue of gender equality is often show of in public. Female participation in male rana already no doubt. In fact, women often appear on the front to indicate its existence to the public that he is indeed a really can in terms of social, economic, or political.

In fact, this is not a matter of mere competition between men and women. This exceeds the question of the need of everyone. If viewed at the time of the Prophet Muhammad, that working women because of the situation and the circumstances demanded it to work.<sup>17</sup> It has become a necessity to bear the cost of his life and was sufficient to their needs through their own work.

If the work is a capacity for women, then from there will arise how women complete their needs with work. In fact, for the benefit of others he was still allowed to work on something that will benefit others. When the woman able to fulfil the needs of herself and also he used the results of his efforts to help others (alms), then it's obvious if it works it is a charity which is good to do.

In life, a livelihood is an important thing for the sake of survival. As exemplified by the Prophet David. It has been described by the Prophet in his sayings:

---

<sup>16</sup> *Ibid*, p. 17

<sup>17</sup> M. Quraish Shihab, *Wawasan Al-Qur'an, Tafsir Maudhu'i, Atas Pelbagai Persoalan Umat*, Cet, VII, (Bandung: Mizan, 1998) p. 306

حَدَّثَنَا يَحْيَى بْنُ مُوسَى، حَدَّثَنَا عَبْدُ الرَّزَّاقِ، أَخْبَرَنَا مَعْمَرٌ، عَنْ هَمَّامِ بْنِ مُنَبِّهٍ، حَدَّثَنَا أَبُو هُرَيْرَةَ، عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَنَّ دَاوُدَ النَّبِيَّ عَلَيْهِ السَّلَامُ، كَانَ لَا يَأْكُلُ إِلَّا مِنْ عَمَلِ يَدِهِ»<sup>18</sup>

Translation: We talked about Yahya bin Musa, our event Abdul Razak, told us Muammar, about Humam ibn ' Alarm, we talked Abu Hurayrah, about the messenger of Allah peace be upon him indeed the Prophet Daud doesn't eat unless the results of his own achievements.

When work is advisable, even a good thing to do, sure it will be a necessity to run in a person's life. With work, as exemplified by the Prophet Daud is a noble activity and show the spirit of life in sufficient needs.

In view of the Islam the work has the meaning of charity. Good in the sense General and specialized meaning. In the meaning of General, charity is to do or leave what is nevertheless a deed ordered or prohibited by religion which includes the deeds of good or evil. As for work or charity with special meanings that do the job or business that became one of the most important elements and the starting point for the process of economic activity entirely. Work in a special significance according to Islam is divided into:<sup>19</sup>

---

<sup>18</sup> Muhammad bin Ismail Abu Abdullah al-Bukhori, *Shahih Bukhari*, Juz 3, (Beirut: Dār al-Kitāb al-Ilmiyyah 1996), p. 57

<sup>19</sup> KH. Toto Tasmara, *Membudayakan Etos Kerja Islam*, (Jakarta: Gema Insani Press, 2002), p. 22

### 1. Patterned work physical

Activities or jobs which rely on regular power body. This work belongs are rough, like the example work as coolies, factory workers, pedicab etc.

### 2. The work style of the mind (mental/*aqli*)<sup>20</sup>

While the work using common sense or mind is usually a job that required a skill or finesse on the field because of school or education.

The work is a human need in living life. When the man is not productive, in terms of work, then her life will have difficulty. Men and women equally in need of work and thought.<sup>21</sup> Islam has made the job is a thing that is understandable.

مَا أَكَلَ أَحَدٌ طَعَامًا قَطُّ خَيْرًا مِنْ أَنْ يَأْكُلَ مِنْ عَمَلٍ يَدِهِ

Translation: No one is eating better than people who ate from his own results.

See the ḥadith, there is a suggestion of human to do the job for the sake of sufficient life. Work ethic in people's lives is certainly necessary in the day-to-day. How not, work is an activity to start the situation. So, the work is indeed a human need to be able to glorify her life.

---

<sup>20</sup> Mental is: Revering to The Mind, that has something a meaning it has relations with brain or brain itself. As a normally, it can understand as something that has relations with *batin*, *watak*, or character.

<sup>21</sup> Ray Sitoresmi Syukri Fadhali, *Sosok Perempuan Pandangan Artis*, (Yogyakarta: PT. Tiara Wacana, 1993), p. 35

Work ethic here is often called because there are rewards reward if done seriously. It proves that, in supporting the work ethic of human life for people on low incomes who later used to raise himself and could also be for other people. Aside from his own hands work better in meeting the necessities of life, as well as the ḥadith of the Prophet above argued that including the best efforts in meeting the necessities of life is clean of commercial fraud and the things that Allah has forbidden.

If Daud a.s a living through his hands, in the history he was told as a clever iron, then Muhammad we have known in the history as a trader. So, the efforts of trade including major efforts in view of religion. For believers, the brotherhood of course the Prophet is a prime example and sunnah, he is to be introduced for its followers<sup>22</sup>. Could also be said of the Prophet SAW, employment during the time young as trade likes sunnah should follow.

## **B. Hisrory of Working Women**

When in the situation of the family, who called it if women are the responsibility of the husband. When the husband is ready to lead his family, certainly should be prepared to live and fulfil the needs of families. An ordered by the Prophet SAW:

قال رسول الله صلى الله عليه وسلم في حجة الودع: فَاتَّقُوا اللَّهَ فِي النِّسَاءِ فَإِنَّكُمْ أَخَذْتُمُوهُنَّ بِأَمَانِ اللَّهِ وَاسْتَحْلَلْتُمْ فُرُوجَهُنَّ بِكَلِمَةِ اللَّهِ وَلَكُمْ عَلَيْهِنَّ

---

<sup>22</sup> Muhammad al-Khatib, *Ajjaz As-Sunnag Qabla Tadwin*, (Beirut: Dar al-Fikr, 1975), p. 27

أَنْ لَا يُوطِئَنَّ فُرُشَكُمْ أَحَدًا تَكَرُّهُونَهُ فَإِنْ فَعَلَنَّ ذَلِكَ فَاصْرِبُوهُنَّ ضَرْبًا غَيْرَ  
مُبْرَحٍ وَلَهُنَّ عَلَيْكُمْ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ<sup>٢٣</sup>

Translation: transgress Allah (fulfil rights) the women, because you guys truly have taken them with the mandate of God and you guys justify their pubic with Word of Allah. The obligation of the wife for you guys is you guys rugs should not be occupied by one of you guys don't like. If they do so, strike with a punch that doesn't hurt, obligations for you guys you guys wife is giving them living and clothes in a way that *ma'rūf*.

In this ḥadith quote "وَلَهُنَّ عَلَيْكُمْ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ" (the wives) have the right given rizki and clothing (living) that obligated ye (o the husband)" was an important foundation for demanding a living to husband.<sup>24</sup>

However, when the husband (male) can't afford to give a living or very weak in terms of jobs, from there the women would play a role. As it has been ordered by the Prophet Muhammad:

حَدَّثَنَا عُمَرُ بْنُ حَفْصٍ، حَدَّثَنَا أَبِي، حَدَّثَنَا الْأَعْمَشُ، قَالَ: حَدَّثَنِي  
شَقِيقٌ، عَنْ عَمْرِو بْنِ الْحَارِثِ، عَنْ زَيْنَبَ - امْرَأَةِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ  
عَنْهُمَا - قَالَ: فَذَكَرْتُهُ لِإِبْرَاهِيمَ، ح فَحَدَّثَنِي إِبْرَاهِيمُ، عَنْ أَبِي عُبَيْدَةَ،  
عَنْ عَمْرِو بْنِ الْحَارِثِ، عَنْ زَيْنَبَ امْرَأَةِ عَبْدِ اللَّهِ - بِمِثْلِهِ سَوَاءً - قَالَتْ:  
كُنْتُ فِي الْمَسْجِدِ، فَرَأَيْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: «تَصَدَّقْنَ  
وَأَوْ مِنْ حُلِيِّكُنَّ» وَكَانَتْ زَيْنَبُ تُنْفِقُ عَلَى عَبْدِ اللَّهِ، وَأَيْتَامَ فِي حَجْرِهَا،

<sup>23</sup> Muslim bin Al Hajjaj Al Qusyairy Annaisabury, *Shohih Muslim*, Juz 6, *Op.Cit*, P 229 – 231.

<sup>24</sup> Ibnu Qudamah, *Al Mughni*, (Jakarta: Pustaka Azzam;2013), p.608

قَالَ: فَقَالَتْ لِعَبْدِ اللَّهِ: سَلِ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَيْجُزِي عَنِّي أَنْ أُنْفِقَ عَلَيْكَ وَعَلَى أَيْتَامٍ فِي حَجْرِي مِنَ الصَّدَقَةِ؟ فَقَالَ: سَلِي أَنْتِ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَاذْطَلَقْتُ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَوَجَدْتُ امْرَأَةً مِنَ الْأَنْصَارِ عَلَى الْبَابِ، حَاجَتُهَا مِثْلُ حَاجَتِي، فَمَرَّ عَلَيْنَا بِبِلَالٍ، فَقُلْنَا: سَلِ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَيْجُزِي عَنِّي أَنْ أُنْفِقَ عَلَى زَوْجِي، وَأَيْتَامٍ لِي فِي حَجْرِي؟ وَقُلْنَا: لَا تُحْبِرْ بِنَا، فَدَخَلَ فَسَأَلَهُ، فَقَالَ: «مَنْ هُمَا؟» قَالَ: زَيْنَبُ، قَالَ: «أَيُّ الرَّيَانِبِ؟» قَالَ: امْرَأَةُ عَبْدِ اللَّهِ، قَالَ: «نَعَمْ، لَهَا أَجْرَانِ، أَجْرُ الْقَرَابَةِ وَأَجْرُ الصَّدَقَةِ»<sup>25</sup>.

Translation: It was narrated from ' Abd-Allah ibn Mas'ud wife Zainab, she said: when he was in the mosque, I saw the Prophet, then he said: let alms (o the ladies) though with most of let it be. Zainab is always minifacial to Abdullah and orphans who are in his lap, then he said: I set out to find a Messenger, and I met a woman at the door of Ansar, and he had the same intention with me. Suddenly gone Bilal, then we tell him: ask your Prophet, is enough for me if I give *infāq* to my husband and children are orphans who are in my lap? Then Bilal the Prophet of prophets and find the answer: right! And he got his reward: two upper moderate reward against the relatives and the reward of charity.<sup>26</sup>

In the above ḥadīth, look there is instruction from the Prophet Muhammad SAW to give sedakah for women. Whence arises the desire for giving charity from the results themselves, i.e. the search for income from employment.

<sup>25</sup> Muhammad bin Ismail Abu Abdullah al-Bukhori, *Shahih Bukhori*, *Op.Cit*, Juz 4, p. 71

<sup>26</sup> Abdul Halim Muhammad Abu Syuqqah, *Op.Cit*, p. 180 - 181

Whereas woman's position is determined not so much by the principles of Islam as by social practices. Only against a well-studied historical context are feminists able to analyse the factors that favor women's equality and those that hinder their rise to prominence. These factors are related to the political structure. The chapter examines economic power ascribed to Muslim women. And highlights the difference between the ideal and practice in Islamic societies.<sup>27</sup> Although it is a fact that Islam offers economic capacity to women regarding ownership and control of wealth, in practice there were periods where these rights could not be fully exercised, for example, while the Qur'an clearly lays down that women can inherit.<sup>28</sup>

In some Muslim societies their share was cut, with properties transformed into trust, *waqf*.<sup>29</sup> The dowry, *mahr*, legally owing to the bride, has often been retained in practice by her family.

Women lost their rights to participation in banks and they lost their links with the *'ulamā*, who, in turn, had lost their judicial duties. The decline in women's status and loss of rights filtered down through society.<sup>30</sup> Under the new order the women *fallahs* (peasants who worked as labourers) were paid half the wages of men. Women's rights are sometimes restricted because of social and religious norms.

---

<sup>27</sup> Mai Yamani, *Op.Cit*, p 2

<sup>28</sup> *Ibid*, p.3

<sup>29</sup> M. Amin, *The Waqfs and Social Life in Egypt*, (Cairo: Dār al-Nahda al-Arabiyya, 1980) p. 93

<sup>30</sup> Muhammad Ali brought al-Azhar under his control, breaking its independence and limiting its jurisdiction. See Badran, *Feminists, Islam and Nation*.

Or in other case, that due to the increase in women's education and employment in most Muslim countries, gender boundaries or roles that still remain must be modified with the general social change.<sup>31</sup>

When the woman asked for the right to join the many contributions in the world of Economics, politics, or in the working world, naturally it departs from a thing that underlies the desire. Certainly, there is a woman's goals you want to achieve to change from conditions that were he experienced.

### **B. 1. The Capacity of Women before the coming of Islam**

Historically, before Islam came women's freedom is indeed very questionable debt. Women when it considered weak, imperfect creatures, and even considered as the base of the ugliness in the disaster.<sup>32</sup> It was, indeed a very noticeable difference based on biological characteristics mainly related to procreation (pregnant, giving birth, and breastfeeding).

Since the first, humans have ability to classification the environment according to the symbols created and standardized in tradition and in culture. Because the process of symbolizing this is very linked to the cultural system or social structure of any society, gender differences are not always based on biological differences.<sup>33</sup>

---

<sup>31</sup> Fatima Mernissi, *The Veil and The Male Elites: A feminists Interpretation of Women's Rights in Islam*, (Massachusetts: Addison Wesley, 1991), p. 73

<sup>32</sup> Siti Muslikhati, *Feminism and women's empowerment in the scales of Islam*, (Jakarta: Lantern Science, 1998), p. 22

<sup>33</sup> Ratna Saptari dan Brigitte Holzner, *Op.Cit*, p. 89-90

So, it is very likely that if there is a limitation of motion of women. In terms of its existence only when it was already a lot of sniping, much less motion. Remember at that time, where the cultural era Patriarchy<sup>34</sup> still rife and becomes the handle of the community at that time. In which era it was very hostile to women, even oppressive.

On the other hands there are also contended, that Patriarchy as control over work through Division of labor. The concept of Patriarchy also builds a cornerstone argument in to six postulates a six-commonly referred to as the basic structure of the Patriarchy,<sup>35</sup> i.e:

1. Patriarchy operations through paid jobs where women face horizontal and vertical segregation that leads systematically waging in the system of capitalism.
2. Patriarchy operates through a division of labor based on gender in the household that forced women to take primary responsibility for housework and child care, although women are in full-time job outside the House.
3. Women are always in the "loss of culture" which lowering femininity, which is when the woman refused, he would suffer a loss-loss of culture.
4. Heterosexual intercourse is seen by Walby basically patriarchal.
5. Patriarchy are often sustained by male violence against women.

---

<sup>34</sup> Patriarchy: strategic concept which is often mentioned in the resilience theory of feminism. He also is the heart of the nomenclature of the philosophy of feminism.

<sup>35</sup> Walby Sylvia, *Theorizing Patriarchy*, (London: Wiley-B;ackwell, 1990), p. 111

6. Patriarchy is supported and maintained by the State, although there may be some limited reforms, such as educational opportunities more equitable and easier divorce laws that protected women against Patriarchy to the limit certain.<sup>36</sup>

Indeed, before Islam came, the status of women is very less has seen and appreciated its actions. Perhaps, it is only a shadow of men, because women often are on the side of the men but never seeming to appear next to it. Here the writer wanted to express the status of women from the religious views of the world, among others:

#### **B.1.1. Women in China and Persia**

In China, according to Westernmarck, the condition of women has always been inferior to that of man, and no generous sentiment tending to the amelioration of her position has overcome from the Chinese sages. Her children must pay her respect, but she in turn owes to her husband the subjection for a child; a wife is an infinitely less important personage than a mother in the Chinese scale. Perhaps this idea of the inferiority of woman to man is mainly responsible for the cruel Chinese custom of squeezing women's deformity in size. This cruel practice has now been abolished in China.

Chinese law divorce must be granted in case of any of the numerous implements to marriage, or when the wife is guilty of adultery. For that offence the aggrieved husband may kill the offending wife and her paramour, if he catches them in *flagrante*

---

<sup>36</sup> Ratna Saptari dan Brigitte Holzner, *Op.Cit*, p. 121-122

*delicto*. But should the women not be slain, she is punished, and the husband may drive her away, or even sell her as a concubine, provided he has not pandered to the crime or does not sell her to the guilty man.

In this era, never mind move or act things. His presence also considered very low and treated the will of men. There are no rights that women get. Life and death depended on men. In Chinese era, many women just give service for a man without paid. Not able to husband that may make utilize women, all men also able to use a women service. Because a woman can life and fulfill their needed and have place from some men.

Normally, proceeds Howard, the wife cannot sue for divorce; still practically she enjoys the right of separation in several important contingencies. One has only to read the great Persian poets to realize the moral depravity of ancient Persia before the introduction of Islam.<sup>37</sup>

### **B.1.2 Women under Buddhism**

Buddhism, which claims, and perhaps rightly, to be a high ethical and idealistic order, has not assigned to woman any definite place, nor has it recognized the equality of the sexes. It has done very little towards the exaltation of the position of woman. Buddha shows that he could not find a woman a helpmate and comrade. The more fact that Buddha could not attain. Buddhism teaches asceticism and

---

<sup>37</sup> C.A. Soorma, *The Status of Woman in World Religions and Civilizations*, (Delhi: First published as a book in 1929, printed at Nirman Press, 2017) p. 7-8

monasticism. It also lays great stress on celibacy. To the Buddhist, women are of all the snares which the tempter has spread for men the most dangerous; in women are embodied all the powers of infatuation which bind the mind of the world.

But even Buddha could not change human nature. His teachings, admittedly highly moral and spiritual, lack that fundamental insight into human nature which a social reformer ought to possess. It is useless for a would-be reformer to speak simply in terms of high idealism and ethics without laying down the law about the necessary relationship of the sexes. This is why, although Buddha himself extolled celibacy, we find Buddhists after his death enjoying all the bliss and happiness of matrimony. Had it been otherwise, it is obvious that Buddhism could not have spread so rapidly and extensively as to cover nearly half the world's total population.

The writer has come across instances of a man marrying his deceased wife's mother, and another his deceased son's wife- but such have been very properly looked down upon. No case has arisen in which the validity of a marriage has been questioned on the ground of consanguinity or affinity, and when one does a considerable body of evidence will have to be led to prove prevailing customs.<sup>38</sup>

However, that with greater female education in Burma, women have made, and are now making, considerable headway. They have always fought for their rights and have obtained them. Thus, we see that the laws, of divorce, for instance, are just and fair. The

---

<sup>38</sup> *Ibid*, p. 9-11

husband cannot divorce the wife at will or “by caprice.” Divorce by mutual consent is very common. Again, their laws of inheritance are equitable, the women sharing equally with men.

### **B.1.3. Women under Christianity**

Turning our attention to the position of woman under Christianity, we are amazed to find the deep injustice under which she has been suffering since the time of the master. The present status of woman in Christian countries in the west has not been achieved by Christian reformers, but by social and political thinkers who, realizing the iniquities of the situation, have swept aside the Biblical notions of the inferiority of woman to man.

That is begin the argument by depicting the story of the fall of man, as given in the Bible.

- (a). “And I will put enmity between thee and the woman and between thy seed and her seed: it shall bruise thy head and thou shalt bruise his heel”, (Gen. 3:15).
- (b). “Unto the woman. He said, I will greatly multiply thy sorrow and thy conception; in sorrow thou shalt bring forth children; and thy desire shall be to thy husband, and he shall rule over thee”, (Gen. 3:16).
- (c). “And unto Adam. He said, because thou hast hearkened unto the voice of thy wife, and hast eaten of the tree, of which I commanded thee saying, thou shalt not eat of it, cursed is the ground for the sake; in sorrow shall thou eat of it all the days of thy life”, (Gen. 3:17).

Again, while discussing the relative importance of the sexes, the Bible says:

- (a). “For the man is not of the woman, but the woman of the man”, (1 Cor. 11:8).
- (b). “Neither was the man created for the woman, but the woman for the man”, (1 Cor. 11:9).
- (c). “For the cause ought the woman to have power on her head, because of the angle”, (1 Cor. 11”10).

Westermarck, commenting on this story, says:

“Tertullian maintains that a woman should go about in humble garb, mourning and repentant, in order to expiate that which she derives from Eve, the ignominy of the first sin and the odium attaching to her as the cause of human perdition. ‘do you know that you are each an Eve? The sentence of God on this sex of yours lives in this age; the guilt must live too. You are the Devil’s gateway; you are the unseat of that forbidden tree, you are the first deserter of the divine law, you are she who persuaded him whom the Devil was not valiant enough to attack; you destroyed so easily God’s image, man.

So much for the moral and spiritual position of woman under Christianity. What about her legal status, her capacity to hold separate property, independently of her husband? I shall quote two authors to show that wherever the Canon Law was followed the identity of the wife was merged in that of the husband and the woman ceased to be a *feme sole* in the eye of the law.<sup>39</sup>

At that time women very slumped by biased man who feels himself stronger and worthier of ruling. Male female space limit, both

---

<sup>39</sup> *Ibid*, p. 25

inside the House and outside the House. Since long the female body has been constructed to simply serve as a reproductive tool, tool: satisfier, to Exchange because of the ownership relations centered on men. In other words, the female body was made the target of the actions, controls, and objects in the possession.

The women body in domestic cation, imprisoned, and the ability to work are reduced just as reproductive labor, service, and maintenance. In other words, the ability of the female body is limited and concentrated only in the domestic sphere, and women acting households.

From the private sphere continues to the public, from public to private is reflected and so on although not always in the same degree and level. All women experience all or one of oppression: discriminated against, marginal, label (stereotypes), got the violence, charged the double work (loads), made sexual objects, and victimized the most depletion (feminization of poverty). Therefore, before Islam came has indeed a lot of women who work. However, the work was not a work of pure deposits of rewards (wages), but rather a job that reeks of coercion and oppression.

## **B. 2. The Capacity of Women after Islam**

Historically, Islam was never told to confine the woman inside the home. So, any Prophet Muhammad, prohibits a person to prevent his wife and be active outside the home. Islam came restore rights that in the era of ignorance below they get. In the words of the Prophet which says:

حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ، حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عُبَيْدِ بْنِ حُنَيْنٍ، عَنْ ابْنِ عَبَّاسٍ، رَضِيَ اللَّهُ عَنْهُمَا قَالَ: لَبِثْتُ سَنَةً وَأَنَا أُرِيدُ أَنْ أَسْأَلَ عُمَرَ، عَنِ الْمُرَاتَيْنِ اللَّتَيْنِ تَظَاهَرَتَا عَلَيَّ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَجَعَلْتُ أَهَابُهُ، فَنَزَلَ يَوْمًا مَنْرًا فَدَخَلَ الْأَرَاكَ، فَلَمَّا خَرَجَ سَأَلْتُهُ فَقَالَ: عَائِشَةُ وَحَفْصَةُ، ثُمَّ قَالَ: كُنَّا فِي الْجَاهِلِيَّةِ لَا نَعُدُّ النِّسَاءَ شَيْئًا، فَلَمَّا جَاءَ الْإِسْلَامُ وَذَكَرَهُنَّ اللَّهُ، رَأَيْنَا لَهُنَّ بِذَلِكَ عَلَيْنَا حَقًّا<sup>٤٠</sup>.

Translation: at the time of ignorance we do not take into account the woman one bit. However, when it comes to Islam and Allah explains about them, then we know that they have a right over us.<sup>41</sup>

Since the beginning of the woman can fulfil the call of Allah SWT, Al-Qur'an also gives tranquility to women and eliminate their anxiety and doubt. In this case there is a hadeeth explains it:

أَنَّ أَبَا هُرَيْرَةَ، قَالَ: قَامَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حِينَ أَنْزَلَ اللَّهُ: { وَأَنْذِرْ عَشِيرَتَكَ الْأَقْرَبِينَ } [الشعراء: ٢١٤] قَالَ: «يَا مَعْشَرَ قُرَيْشٍ - أَوْ كَلِمَةً نَحْوَهَا - اسْتَرُوا أَنْفُسَكُمْ لَا أُعْنِي عَنْكُمْ مِنَ اللَّهِ شَيْئًا، يَا بَنِي عَبْدِ مَنَافٍ لَا أُعْنِي عَنْكُمْ مِنَ اللَّهِ شَيْئًا، يَا عَبَّاسُ بْنُ عَبْدِ الْمُطَّلِبِ لَا أُعْنِي عَنْكَ مِنَ اللَّهِ شَيْئًا، وَيَا صَفِيَّةُ عَمَّةَ رَسُولِ اللَّهِ لَا أُعْنِي عَنْكَ مِنَ اللَّهِ شَيْئًا، وَيَا فَاطِمَةُ بِنْتُ مُحَمَّدٍ سَلِينِي مَا شِئْتِ مِنْ مَالِي لَا أُعْنِي عَنْكَ مِنَ اللَّهِ شَيْئًا<sup>٤٢</sup>»

<sup>40</sup> Muhammad bin Ismail Abu Abdullah al-Bukhori, *Op. Cit*, p. 152

<sup>41</sup> Abdul Halim Muhammad Abu Syuqqah, *Op. Cit*, p. 123

<sup>42</sup> Muhammad bin Ismail Abu Abdullah al-Bukhori, *Op. Cit*, p.112

Translation: -Zubair Abu Hurairah narrated that when God bring down verse: and give a warning to the nearest close brothers (QS 26:214)<sup>43</sup> Then, the Prophet itself for saying: o Quraish, redeem all of you. I may not rely on any one to avoid the torment of God from you. Abdi Manaf dynasty o, I can't count on an any to avoid the torment of God from you. O ' Abbas bin Abdul Muthalib, I may not rely on any one to avoid the torment of God from you. Aunt Safiyya o Messenger of Allah SWT, I cannot rely on any one to avoid the torment of God from you. O Fatimah the daughter of Muhammad, ask a treasure to me your will, I can't rely on any one to avoid the torment of Allah from you.<sup>44</sup>

So, the women of Islam being conservative both in terms of moral or religious values and affirms the absolute top of the Islamic system is right for humanity. They are not tolerant of the Islamic model subjecting women and demeaning him for roles that are not important in the empowerment of the community as a whole, and they want to profit fully took up the opportunity of education and profession available.<sup>45</sup>

At the time of the Prophet, Islamic time most women were often served outdoors based on their necessity. In addition, the history records the Prophet's wife and the women of time were very excited doing activities (work), including the following:

---

<sup>43</sup> God Almighty ordered to the Prophet to warn his family nearby, and that nothing could save someone else from the minnows unless his faith in God the Almighty mighty again.

<sup>44</sup> Abdul Halim Muhammad Abu Syuqqah, *Op.Cit*, p. 124

<sup>45</sup> Arvind Sharma, *ibid*, p.351

## 1. Siti Khadijah

The Prophet has a wife that not only silence and hiding inside his home. Instead, Siti Khadijah was the figure of the woman who is active in the world of business (trade). In fact, before the Prophet married her, he has established close business cooperation into the land of Sham. After marrying him, does not mean the Siti Khadijah quit his job.

Certainly not imaginable when as a businessman, the figure is a type of home-based women of Khadija who don't know the outside world. Because if so, how could he run his business that well while she doesn't have the slightest information access behind the wall of his home. It's all thanks to interlacing cooperation with people outside.

From here we can understand a wife of the Prophet once did have a chance to get out of the House to take care of his business. Even to have a son, the Prophet did not forbid it. History records that Khadijah ra. Blessed with some of the children from the Prophet.

## 2. Siti Aisyah

The death of Khadija, Prophet along with Aisha ra. A woman is smart, young, and beautiful that its action in a society no doubt. During the Messenger was still alive, he often participated out of Medina joined various warfare operations.

Not only that, Aisha ra. Also, in battle. So, the war called the war of the camel, because he rides a camel.<sup>46</sup>

### 3. Zainab binti Jahsyi

In addition to including the wife of the Prophet Muhammad, he is also known to be very generous in helping and giving charity. He included a special woman for the Prophet and often boast about, until the Prophet called him the most women the length of his arms. Like the words of the Prophet:

قَالَتْ عَائِشَةُ: فَكُنَّا إِذَا اجْتَمَعْنَا فِي بَيْتِ إِحْدَانَا بَعْدَ وَفَاةِ النَّبِيِّ عَلَيْهِ  
السَّلَامُ مُمْدُ أَيْدِينَا فِي الْجِدَارِ نَتَطَاوُلُ فَلَا نَزَالُ نَفْعَلُ ذَلِكَ حَتَّى  
تُؤَفِّيَتْ زَيْنَبُ بِنْتُ جَحْشِ بْنِ رَبَابٍ زَوْجِ النَّبِيِّ عَلَيْهِ السَّلَامُ وَكَانَتْ  
امْرَأَةً قَصِيرَةً يَرْحَمُهَا اللَّهُ وَمَ تَكُنْ أَطْوَلَنَا يَدًا فَعَرَفْنَا حِينَئِذٍ أَنَّ مَا أَرَادَ  
النَّبِيُّ عَلَيْهِ السَّلَامُ الصَّدَقَةَ قَالَتْ: وَكَانَتْ زَيْنَبُ امْرَأَةً صِنَاعَةَ الْيَدِ  
تُدْبِعُ وَتُخْرِزُ وَتَصَدِّقُ بِهِ فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ.<sup>47</sup>

Translation: Zainab is a craftsmen's hands. He composes with leather and sew them to hollow out and created the sock or other. He then giving charity in the way of Allah.

It is Sahīh according rated standard Muslim terms. However, it is not narrated by Al-Bukhari, nor Muslim<sup>48</sup>.

<sup>46</sup><http://hbis.wordpress.com/2009/07/16/bagaimana-wanita-karir-menurut-islam/> accessed on Wednesday, 18 April 2018 at 23.48 pm

<sup>47</sup> Abu Ja'far Ahmad, *Syarh Musykil al-Atsar*, Al-Maktabah al-Syamilah, Juz 4, p. 81

<sup>48</sup> Ahmad bin Ali bin Hajar Abu Fadhool al-Asqalany, *Fathul Bari Syarh Shahih Bukhori*, (Beirut: Dār al-Ma'rifat, 137<sup>q</sup>), p. 211

#### 4. Ar-Rabaiyyi bint Mu'awwiz

The figure also included activists who like to get out of the House to perform his job. He was on duty outside the home to provide food and drinks to the fighters. Already seen it if he is also a persistent fighter and is always ready to serve and in the accompanying the fighters.<sup>49</sup>

### C. Working women in view of the *Fiqh*

In Islam, a woman who works outside the home is no longer rare to find. By working, making demands of women to leave the home and their children. In fact, not a few women working in the sphere of men. Call it for instance, Commerce, forestry, even the driver.

Then frequently found questions, how the views and the ruling in Islam when you see working women like that? Please note, that the task of the true woman is about take care of households and families including educating his children. And do not forget to also devote to husband if indeed married. In this case, however, the Prophet said:

وَالْمَرْأَةُ رَاعِيَةٌ فِي بَيْتِ زَوْجِهَا وَمَسْئُولَةٌ عَنْ رِعَّتِهَا<sup>50</sup>

Translation: the woman set up and be responsible for the Affairs of the home her husband. HR. Al- Bukhori.

---

<sup>49</sup> Adnan bin Dhaifullah Alu asy-Syawabikah, Wanita Karir, Profesi Wanita di Ruang Publik yang Boleh dan yang Dilarang Dalam Fiqih Islam, Pustaka Imam Syafi'i p. 121

<sup>50</sup> Ahmad bin Ali bin Hajar Abu Fadhol al-Asqalany, *Fathul Bari Syarh Shahih Bukhori*, Juz 5, (Beirut: Dār al-Ma'rifat, 1379), p. 326

In the ḥadīth, Allah has set man as the Caliphate in the face of the Earth and granted him his talent and leadership potential to ease the duties delegated to him as Caliph. The task of the Caliphate will not be able to be assumed by humans without the cooperation, coordination, good leadership and the distribution among them. Therefore, in this ḥadīth Prophet Muhammad stated that women's leadership is the area of the family and her husband's household, whereas the male leadership of the territory being outdoors.<sup>51</sup>

In that regard, it is also sure there are limitations which may also be accessed by others. The ḥadīth above describes a woman's leadership, the region is a household that was built by her husband. It is not leadership to deny a woman outside the House as long as he was able to qualify the requirement<sup>52</sup>. Because in its history also mentions the leadership of women is restricted by "home" for women in General cannot working outside the home except with the special permission<sup>53</sup>.

Nevertheless, the role of a Muslim will evolve as you get maturity and stage of life that he enters. The scope of duties and responsibilities evolved through his role as the older, continues to the duties and responsibilities as a wife, as a mother and then along with all stages of it there is also a responsibility and duty as a society. In the above ḥadīth, mentioned that the woman was a leader in his

---

<sup>51</sup> *Ibid*, p. 328

<sup>52</sup> <http://syaamilquran.com/wanita-sebagai-ratu-rumah-stairs-2-html>, accessed on February 11 at 23.22 pm

<sup>53</sup> hmad bin Ali bin Hajar Abu Fadhol al-Asqalany, *Fathul Bari*, Juz 5, *Op.Cit*, p.181

household, the leaders of the inmates of the House husband and her son. Therefore, to be able to be a good leader and capable leadership of his responsibility was asked to her husband and surely to God Almighty. Such a strategic role that demands women to equip themselves with adequate knowledge and power<sup>54</sup>.

However, the needs of adult life getting high. Things It's forcing the women to get out of the House and work for helping husband in meet the necessities of life itself and of the family. Over time, the current female employment rate that the community not only helps her husband take care of the household alone, but they could study extended<sup>55</sup>, and work to actualize the skills and education.

Islam itself as a religion the fair has been assign the rights are missing from the woman before the arrival of Islam and afterwards<sup>56</sup>. Islam ensure, that the woman has the right to have property and ownership over the property. In full, including in terms of inheritance<sup>57</sup> as described in the following paragraph:

لِّلرَّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ، وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ، نَصِيبًا مَّفْرُوضًا<sup>58</sup>

Translation: For men there is the right part of the treasure of relics of the parents and relatives, and for the women's rights section of heritage parents and allies, either a little or a lot according to the predefined.

---

<sup>54</sup> Abdul Halim Abu Syuqyah, *Tahrirul Mar'ah fi 'Ashrir Risalah*, Jilid I, p. 41

<sup>55</sup> *Ibid*, p. 47

<sup>56</sup> *Ibid*, p. 48

<sup>57</sup> *Ibid*, p. 50

<sup>58</sup> QS. AN-Nisa': (4) 7

This proves, that women always got the part even though already determined how many parts. That's why, indeed the capacity of women and men is already part as their ability. Women may try to go in the place that men area. Provided, that women do not forget their responsibility. And that women feel able to overcome it.

If women work, in general it certainly is impossible there could be restrictions for went out of the House or go to a place where he worked.<sup>59</sup> Things that will show up if the going concern things that are undesirable, for example:

1. The loss of the nature and characteristics of her femininity, being unfamiliar with household tasks and the lack of attention to her children.
2. Danger to self, i.e. the husband the husband will miss the outpouring of tenderness, hospitality, and excitement. Precisely who in May was a awareness and complaints about work, career competition between workers. In fact, there is rarely a husband losing his leadership due to his wife's salary is bigger.
3. The danger of impact for children, i.e. the loss of tenderness, affection, and the proximity of a mother. All of that cannot be replaced by a maid or a teacher. Thus, the son is a mother who returned home in a State of jaded and no longer had time to pay attention to the education of children.

---

<sup>59</sup> Yazid bin Abdul Qadir Jawas, *Gifts For Exceptional Toward Family Of Sakinah*(Bogor, the library at-Taqwa, 2006), p. 82

4. Danger to men, that is when all the women went out to work, then automatically they have remove the opportunity to work for men who have been ready to work.
5. The danger for the job, i.e. that facts on the ground showed a lot more women have hitch and often absent because of the many sides of nature (fitrah). It usually affects against the work efficiency, such as menstruation, childbirth, childbirth, and other.
6. The danger for moral development, namely the loss of moral glory of moral goodness, as well as the loss of shyness from a woman.
7. Danger to the community, i.e. the phenomenon has unleashed a human from his nature and has not put something in place. So the destruction of the order of life and the onset of the turmoil and commotion.<sup>60</sup>

So, the scholars ' gives any method or manner in which a concern-concern that doesn't happen. However, women also need an atmosphere that does not have to suppress it in the cage home alone.

Women should just come out and had a career outside the home. When there is a requirement for a woman to work out the House then must meet several conditions in order to legitimate his career certainly did not become haram. The terms it is:

1. Meet the woman's discharge from his home hugging both in terms of clothing or other.

---

<sup>60</sup> Abu Malik Kamal bin Sayyid Salim, *Fiqhus Sunnah lin Nisa'*, (Jakarta: Pustaka Aarafah, 2005), p. 469-470

2. Gets the permission of the husband or guardian. Mandatory law for a wife to obey her husband in matters of goodness and haram to her husband, including disobeyed out of the House without his permission<sup>61</sup>.
3. The work there is no *kholwat* and *ikhtilāt* (Mixed diffuse) between men and women who are not mahram. As the word of God: And when you guys ask them a purpose, then please ask from behind the hijab<sup>62</sup>.

It's also Rosululloh shallallahu 'alaihi wa sallam said:

حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ، حَدَّثَنَا سُفْيَانُ، حَدَّثَنَا عَمْرُو، عَنْ أَبِي مَعْبُدٍ، عَنْ  
ابْنِ عَبَّاسٍ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَا يَخْلُونَنَّ رَجُلٌ بِامْرَأَةٍ إِلَّا  
مَعَ ذِي مَحْرَمٍ» فَقَامَ رَجُلٌ، فَقَالَ: يَا رَسُولَ اللَّهِ، امْرَأَتِي خَرَجَتْ حَاجَةً،  
وَاصْتَبْتُ فِي عَزْوَةٍ كَذَا وَكَذَا، قَالَ: «ارْجِعِ فَحُجِّ مَعَ امْرَأَتِكَ»<sup>63</sup>

Translation: Let not a man being alone with women except along his mahram.”

A Muslim woman to make it look special he should be able to keep the honor in his intercourse. Should limit themselves in the Association. Let alone a woman who already had a husband should be cautious with something that can result in the wrath of God, one

---

<sup>61</sup> *Ibid*, p. 93

<sup>62</sup> QS. Al-Ahzab: (33) 53

<sup>63</sup> Muhammad bin Ismail Abu Abdullah al-Bukhori, *Shahih Bukhori*, Juz ٧, *Op.Cit* , p. ٣7

of which is the existence of a limitation in relation (association) with non *muhrim*<sup>64</sup>.

4. Do not slander. Women who worked outside the home poses no slander. This can be done depends on your way of covering his whole body in the presence of a foreign man and stay away from all the things berindikasi slander, whether in dress, decorated or wear a scent (using perfume).
5. Can still be working on his obligations as a mother and wife to her family, because that's what its obligations are human.
6. The work should be in accordance with *tabi'at* and his nature as in the field of obstetrics, teaching, needlework and other<sup>65</sup>.

In the above explanation shows there are legal or regulatory ties that still bind the freedom of women in the evolving self. It is because, the Lady in his nature there is already a part of it to suit his task as a woman. View *Fiqh* still relatively conditions but also include terms to limit it.

---

<sup>64</sup> Abu Malik Kamal bin Sayyid Salim, *Fiqhus Sunnah lin Nisa'*, *Op.Cit*, p. 133

<sup>65</sup> [www.ahmadsabiq.com](http://www.ahmadsabiq.com) accessed on Juny 2, at 00.12 am

## CHAPTER III

### RESEARCH METHOD

#### A. Thematic Interpretation

Ḥadith<sup>1</sup> is the Arabic<sup>2</sup> holy text which is gradually revealed to text the laws that had formed when the time of the Prophet and the companions. The ḥadith also known by other terms, such as; *Al Khabar*, *Al Sunnah*, and Reports. As for its position<sup>3</sup> in the second set of guidelines made after the Al-Qur'an. Not only that, the ḥadith also serve as identifiers over the verses of God that is still common and global in nature.

In understanding the ḥadith, there is need for the guidelines to steer clear of mistakes, lapses, and counterfeiting in the interpretation. Indeed, the Qur'an<sup>4</sup> also instrumental in showing how understanding

---

<sup>1</sup> Mustholah Ḥadith explain that ḥadith is: ما أضيف إلى النبي قولاً أو فعلاً أو تقريراً أو نحره

In the above definition, the ḥadith includes four things, namely; the words, deeds, and taqrīr traits or the situation of the Prophet SAW. Hadits dikenal juga degan istilah-istilah lain, seperti; al-Khabār, al-Atsar, dan as-Sunnah

<sup>2</sup> See: Q.S. al-Syu'ara: 195, Q.S. Ibrahim: 4, وَمَا أَرْسَلْنَا بِلِسَانٍ عَرَبِيٍّ مُبِينٍ  
مِنْ رَسُولٍ إِلَّا بِلِسَانٍ قَوْمِهِ لِيُبَيِّنَ لَهُمْ

<sup>3</sup> The position of Ḥadith in Islam has 2 functions:

1. *Mubayyin* IE as explanatory of things globally and that is mentioned in the Qur'an, such; an explanation of the procedures of the prayer, fasting, Hajj etc. Da exclude things that are common in the Qur'an.

2. Source law its own: Sunnah as source of law its own in things not discussed in The Qur'an good in global as well as detail, like law covenants, married with polygamy brothers from big brother and her aunt, covenants, animals the fanged, clawed, etc

<sup>4</sup> Q.S. Al-an'am: 115, in the verse which reads,

the hadeeth is true. There was the Qur'an became the Foundation of the basis of the establishment of the Islamic religion which cannot be modified by anyone. While the ḥadīth being detailed about the contents of the Al-Qur'an. It is the task of the Prophet Muhammad, explain it to all mankind.<sup>5</sup>

However, due to the diversity of the book of ḥadīth is primarily in terms of the quality of ḥadīth contains, examine the validity of the al-hadeeth that contains within it be urgent done, so that Muslims are really able to choose between the current valid (ḥadīth valid, indeed, *maqbul*) and invalid (*dhaif*, *maudhū'i* or false), to be used as the source of the teachings of the religion of Islam.<sup>6</sup>

In this discussion, understanding the ḥadīth are certainly helpful in thematic explanation of a problem that is not easy to be resolved. Thematic or methods referred to *maudū'i* the is *Isim Fā'il* from the word *wada'a* which This means that the issue or subject matter problems.<sup>7</sup> is the method discussion of the ḥadīth in accordance with a specific theme that is issued from a book of ḥadīth.

---

وَتَمَّتْ كَلِمَتُ رَبِّكَ صِدْقًا وَعَدْلًا. لَا مُبَدَّلَ لِكَلِمَتِهِ. وَهُوَ السَّمِيعُ الْعَلِيمُ

Has perfected the phrase God (Qur'an) as a sentence are true and fair. No one can change the sentence his sentences and he was the one who most listeners more omniscient.

<sup>5</sup> Yusuf Qardhawi, *Bagian Memahami Hadits SAW*, (Bandung, Kharisma; 1993) p.92

<sup>6</sup> Umi Sumbulah, *Kritik Hadits: Pendekatan Historis Metodologis*, (Malang: UIN-Malang Press, 2008), p.3-4

<sup>7</sup> Ahmad Warson Munawir, *Al-Munawwir Arabic Dictionary-Indonesia*, (Surabaya; The progressive reader, 1997), p. 1565

Gather the ḥadīth have in common a theme the avoid errors in understanding the content of the ḥadīth, someone needs to bring the ḥadīth on other related issues. From here can be found where the meaning of the General and special, *mutlaq*<sup>8</sup> and *muqayyad*<sup>9</sup>, global and detailed, real or *mansūh*. Besides knowing these things, by the ḥadīth which have in common the theme of known differences between the way mention transmission of one another.<sup>10</sup>

There are many other definitions of the exegesis which have a little bit not significant difference. As the opinion of Az Zāhābiy, though the scholars definitions have the differences in case of the text, but all those are same in case of meaning and goal.<sup>11</sup>

Abdul Majid Khon stated the seven steps to use the *maudhu'i* method<sup>12</sup>:

1. Determine a theme that will be discussed.
2. Spool the ḥadīth that are still in the theme that was specified at the beginning.
3. Classify the ḥadīths that have piled up in accordance with the intent of the discussion.
4. Collecting ḥadīths view.

---

<sup>8</sup> *Mutlaq* is a statement which shows the essence of something without *qayid* (limit). So, it only points to an unidentified individual of that essence.

<sup>9</sup> Resonate which shows an essence with *qayid* (limit)

<sup>10</sup> Yusuf Qardhawi, *Kaifa Nata'amal ma'a al-Sunnah al-Nabawiyah*, (Kairo; Dar al-Syuruq.2002), p.29

<sup>11</sup> Muhammad Husain Adz dzahabiy, at *Tafsir wal Mufasssirun*, Vol. 1, (Cairo; Maktabah Wahbah, 1999), p.12

<sup>12</sup> Abdul Majid Khon, *Takhrij dan Metode Memahami Hdits*, (Jakarta; Amzah, 2014), p.141

5. Analyze *matan* sense vocabulary, the phrase, and other things.
6. Summing up the results of the analysis of the meaning of the ḥadīth.

While Yusuf Qardhawi, briefly explain in the concept of *madhūi* that needs to be understood as-Sunnah properly. And he gives two additional steps besides the steps above <sup>13</sup>;

1. There should be a gathering together a hadeeth that is related or associated with one of the same themes.
2. Reverse implies that *mutasyabih* the *muhkam*, the *mutlaq* with that *muqayyad*, the 'am with that *typical*. So, with that way there will be no longer a contradiction and can be obtained a clearer meaning.

The method, indirectly presents the method *tahlili*, because the researcher should be able to explain the meaning of ḥadīth , from a word, vocabulary, *matan*, and any other which is usually observed in the method *tahlili*.<sup>14</sup>

## **B. Ibnu Ḥazm al-Andalusy (384 H - 456 H)**

1. Biography of Ibnu Ḥazm
  - a. The birth of Ibnu Ḥazm

Ibnu Ḥazm Al-Andalusy born in Cordova on Wednesday, 30th of Ramadan on the year 384 H (994 M<sup>15</sup>) is

---

<sup>13</sup> Yusuf Qardhaqwi, *Kaifa Nata'amal ma'a al-Sunnah al-Nabawiyah*, ibid p.106

<sup>14</sup> M. Quraisy Sihab, *Wawasan Al-Qur'an*, (Bandung; PT. Mizan Pustaka Anggota IKKPI, 2013, p.105

<sup>15</sup> Ibnu Ḥazm Al-Andalusi, *Al-Muhalla*, Juz 1 (Beirut: Dar al-Ilmiyah Pole, t.th, p. 5

a very phenomenal scholars instrumental in reviewing an issue of Islamic laws. People who have the full name Abu Muhammad Muhammad Ali ibn Ahmad ibn Sa'id bin Ḥazm Ibn Ghalib Ibn Salih Ibn Khalaf Ibn Yazid bin Sufyan bin Ma'dan<sup>16</sup> Ibn Abi Sufyan Ibn Ḥarb Ibn Umayya ibn Abd Shams al-Umawi, better known as Ibnu Ḥazm al-Zāhiri and has the face of Hispanic it is authoritative.<sup>17</sup> His grandfather, Yazid is the first line of his grandfather converted to Islam and is derived from Persian. While Khalaf bin Ma'dan was his grandfather is a figure who first set his foot on the land of Andalusia.<sup>18</sup>

A character known as Ibnu Ḥazm was born to the famous family, because at that time his father was a Minister under the reign of Caliph Al-Mansyur Ibn Abi ' Amir (Al-Zahrah)<sup>19</sup>. So, it's no wonder anymore when Ibnu Ḥazm on childhood is definitively was given a good education and right. Father figure named Ahmad Ibn Said Ibnu Ḥazm that strongly suggest on his son to studied in Cordova itself, not far from the watchful eye. Therefore, Ibn Ham's very correct understanding of environmental conditions and Cordova then.

---

<sup>16</sup> Known as Yazid Al-Khair, a look at; Masturi Irham, *60 Ilama Biography; The salaf*, (Jakarta: Pustaka setiaIheri, 2005), p. 664

<sup>17</sup> Mahmud Ali Himayah, *Ibnu Ḥazm: Biografi, Karya dan Kajiannya tentang Agama*; translated: Halid al-Kaf, (Jakarta: Lentera, 2001), p. 55

<sup>18</sup> Muhammad Abu Zahra, *Ibnu Ḥazm Hayatuhu wa 'Ashruhu-Ra'yuhu wa Fiqhhuhu*, (Cairo: Dar al Fikr al-'Arabi, 1997) p. 19

<sup>19</sup> Toha bin Ali Busrih, *Al-Manhaj Al-Ḥadith Al-Imam Ibnu Ḥazm Al-Andalusy*, *Op.Cit*, p. 29

No doubt his intelligence, began his childhood he spent in education.<sup>20</sup>

Armed with science that has obtained starting from childhood until adulthood, Ibnu Ḥazm towards started specializing attention to logic and prioritize over other sciences. So he is viewed as excessive Ḥahiriyyah thinkers in simple matters. As a result, he was less keep ethics against the leading scholars in the talk, even daring to throw a hard statement, scolding and censure. Might be called, that Ibnu Ḥazm in his youth belonged to a child who is misbehaving and recalcitrant. However, with his genius intellect in thinking, little by little the ugliness of it covered and in the process lost his maturity.

Ibnu Ḥazm had the character and behavior of the sublime as a noble religion expert and learned where many studied and discussed his work. As for personal character belonging to Ibnu Ḥazm as does<sup>21</sup>:

1. Ibnu Ḥazm mastered many works of notable (companions, tabi'in and others) along with the evidence and views as well as being able to dialogue with thought-provoking discourse the scholars and Fuqaha ' of his contemporaries.

---

<sup>20</sup> *Ibid*, p. 30

<sup>21</sup> Muhammad Abu Zahra, *Tarikh al-Madzabi al-Islamiyah*, (Cairo: Dar al Fikr al-‘Arabi, 1997), p. 563-568

2. Ibnu Ḥazm also great in memorize Ḥadith of Prophet Mohammed along with the line of the source, so He included in the *Al-Huffadz Al-Kibār* in Ḥadith Scholarship.
3. Ibnu Ḥazm has sublime gratitude and sincerity in keeping their knowledge as well as the sanctity of his soul.
4. Ibnu Ḥazm is famous firm in telling the truth (*Al-Ḥaq*), without a care for the other people who will hate him.
5. Ibnu Ḥazm known firmly in the argument as well as hard and sharp in criticizing his opponent. His courage was to make Scholars said: "Ibnu Ḥazm oral that is very sharp like a sharp sword Hajjaj Ibn Yusuf"<sup>22</sup>.
6. Ibnu Ḥazm has expertise and beauty in the making Temple-the temple *syi'ir kalam* or *natsār*. Things It is evidenced in his work *Thauq Al-Hamamah* the tell me about love.

Ibnu Ḥazm also has forbidden the good, as mentioned by Ibn Khaliq, and some figures mentioned, Al-Maqqari, Adz-He, Al-Humaidi, and Ibn ' Imad. From all that, could show that Ibnu Ḥazm is a famous family of Persia. That makes it more notable, too, the family were leaving for conquering the land of Sham<sup>23</sup>.

Just in the year 456 H (1064 M), Ibnu Ḥazm Al-Andalusy breathed his last in accordance Lablah, a village in

---

<sup>22</sup> Ibnu Hajar al-Asqalani, *Lisan al-Mizan*, jilid: 4 (Bairut: Dar al-Kutub al-Ilmiyyah, 1996), p. 242

<sup>23</sup> Mahmud Ali Himayah, *Ibnu Ḥazm: Biografi*, Op.Cit, p. 55-56

the western part of the Strait in the sea of New Andalusia<sup>24</sup>. However, some say that Ibnu Ḥazm died in the village of his birth, Montlisan<sup>25</sup>.

b. Education of Ibnu Ḥazm

Ibnu Ḥazm in education is very serious to reach the top of the muslim intellectual figures of Spain as a productive and genius. Born of a father who educated, he got his father's own guidance of expertise among which science, Arabic grammar, Sciences of the Qur'an, and poems. Ibnu Ḥazm began his career scholarship came back with a wandering for learning *fiqh*, Ḥadith, logic, and other sciences. His intellectual journey starting from some cities in Andalusia, as Cordova, Almeria, Hishan al-Qashr, Syatibi, Qairuwan, Valencia, and Sevilla. In addition, he has also traveled to Morocco to study Ḥadith and *fiqh* with a number of scholars there, because of the time that Morocco is where literacy study of Ḥadith and his *fiqh*. While in Morocco, of Ibnu Ḥazm Malikiyyah popular figures met Abu al-Walid al-Baji and had a long debate ensued between them<sup>26</sup>.

Not only the religious sciences, Ibnu Ḥazm also engaged in the field of Philology Sciences, logic, Arithmetic, and science aspects of nature. With his discipline, Ibnu Ḥazm

---

<sup>24</sup> Muhammad al-Muntasir Al-Kittani, *Mu'jam Fiqh Al-Muhalla* in *Al-Muhalla*, volume: 12 (Bairut: Dar al-Jiil 1996), p. 9

<sup>25</sup> Muhammad Abu Zahra, *Ibnu Ḥazm*, *Op.Cit*, p. 36

<sup>26</sup> Ibnu Hajar al-Asqalani, *Lisan al-Mizan*, *Op.Cit*, p. 241

also many times attend lectures hosted by Ibn Warits a leading local language and science. Starting from Ibnu Ḥazm adolescents, accompanied his father to attend various conferences and official meetings, so he started hanging out with the circle of scholars Cordova<sup>27</sup>.

In In the corpus of scientific knowledge of fiqh, by Ibnu Ḥazm first studied *fiqh of* Maliky Sects, such as al-Muwaṭo' which became the official sect at that time, namely the Sovereignty of the Umayyads. His fascination will Malik would not change his stance will find truth in religion<sup>28</sup>. So that led him to move to the Shāfi'i, which in his view of Imam Al-Shāfi'i has peculiarities and assertiveness in sticking to *al-nushūs al-syar'iyah*. But later, Ibnu Ḥazm again moved from the Shafī sect to Sect Dawud al-Asbihany (202-270), the founders of the sect of Imam *Al-Shaafa'i Zahiri* and pupils are invited on assertiveness in cling to sheer and *Nushūs al-Qiyās* refused, *Istihsān, Maslahah Mursalah*. So, in the end, he himself took off robe to all-his mazhab and doing *Ijtihad* with his *ijtihād* own methods<sup>29</sup>.

The intellectual journey of Ibnu Ḥazm does not always run smooth and smoothly without obstruction. But many obstacles and temptations that he received, such as the

---

<sup>27</sup> Muhammad Mojlum Khan, *100 Muslim Berpengaruh Sepanjang Sejarah*, Cet. 1, (Jakarta: Mizan Publika, 2012), p. 216

<sup>28</sup> Muhammad Abu Zahra, *Ibnu Ḥazm, Op.Cit*, p. 31

<sup>29</sup> Ibnu Hajar al-Asqalani, *Lisan al-Mizan, Op.Cit*, p. 242

tragedy of burning up his book writings or by parties who are less agreed by way of his madzab and his ijtehad, as depicted by him alone in the Temple of *syi'ir*:

*"you guys are capable of burning paper (the book), but you guys will not be able to burn the person who has the paper (the book), because he is in me"<sup>30</sup>*

c. The Works of Ibnu Ḥazm

A privilege for Ibnu Ḥazm is by results of his works very much and gave impact on human thoughts and the seekers of knowledge. Abu Fadhl narrated that his father's works (Ibnu Ḥazm) in diverse disciplines of discussion reached between 8000 sheets that cannot explain clearly<sup>31</sup>.

Among the books that has been detected and is renowned as the best work and very famous is the<sup>32</sup>:

1. Al-Iḥkām fi Uṣūl al Aḥkām, Uṣūl is talking about the book is Fiqh, Uṣūl Fiqh Ḥazm mainly consists of 2 volumes which have 8 juz.
2. Al-Muḥallā bi al-Reports, consisting of 11 volumes of thick, about Fiqh and its views. This book is the work of Ibnu Ḥazm's last.
3. Al-Faṣl fi al-Milāl wa al-Ahwa' wa al-Nihal, the book that talks about the sect, the sect and the Abrahamic religions.

---

<sup>30</sup> *Ibid*, p. 241

<sup>31</sup> Mahmud Ali Himayah, *Ibnu Ḥazm: Biografi, Op.Cit*, p. 82

<sup>32</sup> *Ibid*, p. 83-96

4. Thauq al-Hamamah fi Ulfah wa al-Ullaf, the book that talks about love and lovers, are written in the town of Syaṭibi around the year 418 H. become works of Ibnu Ḥazm of the much-studied in Europe. And many other works.

### **C. The Scholars Assessment of Ibnu Ḥazm**

As for in the assessment and recognition of the scholars ' against Ibnu Ḥazm is very diverse. A lot of evidence among the majority of scholars ' great acknowledged wit and uniqueness of thought of Ibnu Ḥazm in determining the direction of the issue or law in Islam. Among them:

Al-Ghazali's example. He ever says "I found a book about asthma God in Garland Muhammad Ḥazm. In it is a testament to how great he would be in memorizing and Groove-minded ".

Sha'id al-Andalusy in this case says, the population of Andalusia, Ibnu Ḥazm agreed that is the source of Islamic sciences and the most extensive knowledge. It is also delivered by Adz-He, he said "her sharp thinking and cleverness ends. The science is very knowledgeable about the Qur'an, Sunnah, Fiqh, madzabs and sects, the Arabic language, literature, logic, and poetry with religious honesty<sup>33</sup>.

---

<sup>33</sup> [http://id.m.wikipedia.org/wiki/Ibnu\\_Hazm](http://id.m.wikipedia.org/wiki/Ibnu_Hazm), Accessed on March 27, at 17.14 pm

So that why, Ibnu Ḥazm is one of scholar that able to master many discipline knowledges. Especially about law, he understands many *dalīl* to decide the law in Islam.

#### **D. Hermeneutic of Ibnu Ḥazm: Tekstual (*Zahiri*)**

Basically, Ibnu Ḥazm does not arbitrarily in deciding the direction of the law in every issue. Example the book of nature "*Al Muḥallā*"<sup>34</sup> the phenomenal work of Ibnu Ḥazm, the prove that the methodology used shows how to deal with the ḥadīth. and the author marked "local" indicates the methodology ḥadīth in the third, the researchers in this section that analyzes the data. Beginning his education first started from the study of *Fiqh* in Sunni Islam, then moved to Syāfi'i, and eventually moved to madzab *zahiri*<sup>35</sup> that takes

---

<sup>34</sup> ' Izuddin Ibn Abdussalam said: I have never seen the paper Al-sebandin Ibnu Ḥazm belongs to Muhalla, and also Al-Mughni Ibn Qudaamah, works see: Al-From this by, Oral Al-Mizan, p. 242

<sup>35</sup> Madzab brought in by Dawood al-Ashbihani (202-270). He has a full name Abu Dawood Sulaiman bin Ali bin Khalaf al-Ashbihani, was born at the beginning of the 20th century III and died in Baghdad in the year 207 a.h. He was a pupil of Al-Shaafa'i in the fields of fiqh and amazed at the Imam Al-Shaafa'i to his constancy due in hold on *Al-nushus al-syar'iyah* (The Qur'an and the Sunnah), but later he moved to the Shafi fiqh of bow fiqh *zahiri*, as she was against fiqh Al-Shaafa'i that takes the concept of qiyas as the basis for generating istidlal law. He said: I made the proposition of Imam Al-Shaafa'i in cancel Istihsan, as evidence for me to undo the qiyas. See: Muhammad Abu Zahra, *Tarikh al-Madzaḥib al-Islamiyya*, p. 545. Muhammad Hasbi al-Shiddieqy, *Introduction to The Science Of Fiqh*, (Semarang: Pustaka Rizki sons, 1999), p. 129-131.

the end *Nash* as well as cancel *ijtihād* and *qiyas*<sup>36</sup>. He refused to tap do blind aspect of the *fuqaha* and madzab priests<sup>37</sup>.

Madzab *zahiri* Ibnu Ḥazm embraced refused the presence of a pseudonym, hidden, and the shape of the cue. This method has a model of clarity on all aspects of thought, culture, the science of Uṣūl, and its branches. Therefore, Ibnu Ḥazm thinkers fall into the category that has the *tekstualis* or *zahiriyah* method, because to understand a problem by looking at the text only. Ibnu Ḥazm using *istinbāt* law based on the four:

الأصول التي لا يعرف شيئاً من الشرائع إلاّ منها, وأتمّها اربعة وهي: نص القرآن, ونص كلام رسول الله صلى الله عليه وسلم, الذي إنّما هو عن الله تعالى ممّا صحّ عنه عليه السّلام نقل الثقات او التواتر, وإجماع جميع علماء الأئمة, او دليل منها لا يَحتمل إلاّ وجها واحداً<sup>38</sup>.

Translation: the basics of an unknown something of *syāri'ah* except him are four basics: *nāṣ Qur'an*, hadeeth which comes from God we receive a Sahih hadeeth from him and people have trust or a *mutawatir* and agreed upon by all the people and an unlikely proposition received apart from in one way only.

According to Ibnu Ḥazm, method *zahiri* is bringing understanding resonates to the understanding the end (obviously), as in the word of God Almighty;

---

<sup>36</sup> Arguing about the cancellation of the Qiyas as a source of *Istimbat Al-Hukmi*. see: Ibnu Ḥazm, *Al-Muhalla*, vol: 1, *Op.Cit*, p. 56 and 60

<sup>37</sup> Khairul Amru Harahap, Achmad Fauzan, *Tokoh-Tokoh Besar Islam Sepanjang Sejarah*, (Jakarta: Pustaka Al-Kautsar, 2007), p. 361

<sup>38</sup> Ali bin Ahmad bin Sa'id bin Ḥazm, *Al-Ihkam fi Ushul al-Ahkam*, juz 1, (Beirut-Libanon, Dār al-Kitāb al-Ilmiyyah, 1985), p. 17

بِلِسَانٍ عَرَبِيٍّ مُبِينٍ<sup>٣٩</sup> وَمَا أَرْسَلْنَا مِنْ رَّسُولٍ إِلَّا بِلِسَانٍ قَوْمِهِ لِيُبَيِّنَ لَهُمْ<sup>٤٠</sup>،

“with spoken Arabic (language) are clear.” And in his word; “and we did not send a Messenger except with the language of his people, because in order to be able to explain to them”.

Ibnu Ḥazm said that text (*Nāṣ*) is there resonate in the Qur'an or sunnah which shows top legal something and are clearly<sup>41</sup>. While the term *al-Bayān* is bringing resonate Al-Qur'an and sunnah upon the understanding *ẓahiry*<sup>42</sup>. The Madzab contains two things in a nutshell<sup>43</sup>. First, the view that the Syāri'ah is text only and that the law should be taken based on *ẓahir*'s text and would not require *qiyās*. For this madzab, the Qur'an *mubīn linafsihi* (obviously with itself) where for black text indicates the intended meaning. *Second*, if there is no specific text relates directly, they hold on to what they call a "proposition", i.e. *istidlāl* based on the clarity of the text. For example, the ḥadīth of the Prophet which States "*kullu muskirin khomrun, wa kullu khomrin haramun*" (per the heady wine of is, and every wine it haram), then the conclusion is "*kullu muskirin haramun*" (any intoxicating it haram) where this conclusion is not explicit in the text but the inevitability of based on *ẓahir*'s text. It is in terms *fuqaha* '.

---

<sup>39</sup> Q.S. al-Syu'ara: (126) 195

<sup>40</sup> Q.S. Ibrahim: (2) 4

<sup>41</sup> Ali bin Ahmad bin Sa'id bin Ḥazm, *Al-Ihkam*,,, *Op.Cit*, p. 42

<sup>42</sup> Ali bin Ahmad bin Sa'id bin Ḥazm, *Al-Nubadz*,,, *Op.Cit*, p. 61-62

<sup>43</sup> Muhammad Abu Zahra, Ibnu Ḥazm, *Op.Cit*, p. 312-314

known by the *dilālah al-lafdzi*<sup>44</sup> or in the term is logically *Al-idlmāri al-qiyās*.

In the tradition of madzab *ẓahiri* unknown term of *tabi'* (followers) and *matbu'* (which followed). Because madzab *ẓahiri* is the only madzab that base on his *istidlal* on *al-nushūs al-syar'iyyah* (the Qur'an and the Sunnah). Madzab that is not tied to one another. Therefore, in the *ẓahiri*, *taqlid* is falsehood and *ijtihād* is a must with no ties to any madzab. Thus sort of literalism (*ẓahiriyyah*) Ibnu Ḥazm was a critical epistemologies and sort of literalism, not just textual sort of literalism "relying on" someone else.<sup>45</sup>

So, when reviewing the thought of Ibnu Ḥazm, the author is not dealing with a form of "sort of literalism-textual" or *Ẓahiriyyah* are frozen and curb freedom, like what Ibnu Ḥazm on alleged. *Ẓahiriyyah* Ibnu Ḥazm is thus a form of a rationalist critique on one side cling to religious texts in the context of the cases mentioned by religion. On the other hand, it could open the door to freedom is reasonable and the ratio for working beyond the reach of religious texts. Because the space very limited range of religious texts, while the region *mubāh* includes unlimited space<sup>46</sup>.

In understanding *Ẓahiriyyah* of Ibnu Ḥazm at least there are two awareness arises, namely the realization that *Al-nushūs al-syar'iyyah*

---

<sup>44</sup> Wahbah Zuhaili, *Usul Fiqh Al-Islamy*, Vol. 1, (Damascus: Dar al-Fikr, 2006), p. 302

<sup>45</sup> Muhammad Abed al-Jabiri, *Post-Tradisionalisme Islam*, translated: Ahmad Baso (Yogyakarta: LKIS, 2000), p. 121

<sup>46</sup> *Ibid*, p. 131

very limited while the problems are always popping up with no limits (*Al-nushūs wa mutanāhiyyah al-ladzī lā tatanāha*). The second is the consciousness awareness of freedom of thought and *ijtihād* to find the truth in religion.

Thus, Ibnu Ḥazm gives methods and sources for Islamic law in the context of taking the science of *Fiqh*, either *Ushūl* as well as *Furū'* by performing *ijtihad* based with *Naṣ* (The Qur'an and the Sunnah), Consensus and *ra'yu* (ratio) that in *Uṣūl Fiqh* can be categorized in the concept *Al-Istishāb*, all of which is:

#### 1. Al-Qur'an

The Qur'an is a revelation *matluw*<sup>47</sup> of God which was revealed by him through intermediaries the Angel Gabriel to the Prophet with hearts resonate in Arabic, as a proof for the *I'jāz* and Apostles. Reading it is a matter of worship, and it is written in the *Mushaf* in *Manqūl* and indeed, starting with surat al-Fatihah and closed by a letter *Al- Nās*<sup>48</sup>. The Qur'an is *ashl* the first (principal), even its *ashl* from all *ashl*. Other fundamentals, such as the Sunnah and consensus, can be *ashl* because the Qur'an explain it and discuss them.

Ibnu Ḥazm specified that the Qur'an is the word of God that is all clear (*Kitāb al-Mubīn*) for those who want to discover and understand it well that clarity comes from the Qur'an itself or from the Sunnah, as the word of Allah;

---

<sup>47</sup> Ali bin Ahmad bin Sa'id bin Ḥazm, *Al-Ihkam, Op.Cit*, p. 95

<sup>48</sup> Wahbah Zuhaily, *Usul Al-Fiqh Al-Islamy*, vols.: 1, *Op.Cit*, p. 405

“And we sent down the Qur'an to you, so that you may explain to mankind what has been handed down to them”<sup>49</sup>. And the Word of God: "O Apostle, convey what is scaled back to you from your Lord. And if you do not (what was ordered, it means) we cannot deliver its mandate. God keep you from human (interference)”<sup>50</sup>.

Thus, all are in the Qur'an is *mubīn* (obviously) with *Al-bayān* (descriptors) from within itself or from the sunnah the apostle. So, in the Qur'an there is nothing *Mutasyabih* (in the sense that it is not obvious) except in two respects, namely: *First*, in the letters that became the beginning of the letter. *Second*, in *Al-Aqsām* (vows) used of God in his book<sup>51</sup>. In connection, Ibnu Ḥazm divide *Al-bayan* into three; *Al-istitsnā'* (exceptions), *Al-tahshīsh* (specialization) and *Al-tawkid* or *Al-ta'kid* (amplifier). As for example for each *Al-bayān* above, is;

- a. *al-istitsnā'*: the word of Allah SWT; "And the people who keep his cock, except against their wives or their slaves; then surely, they are in this case there is no ignoble<sup>52</sup>". In the person of his public haram, God excluded wives and the freeing of slaves.
- b. *Al-tahshīsh*, the word of Allah SWT; "And when Our messengers (Angels) came to Ibrahim brought good news, they say: "we will destroy the inhabitants (*Sodom*) is, verily, the

---

<sup>49</sup> Q.S. Al-Nahl: (16) 44

<sup>50</sup> Q.S. Al-Maidah: 67

<sup>51</sup> Ali bin Ahmad bin Sa'id bin Ḥazm, al-Ihkam, vols.: 1, p. 543

<sup>52</sup> Q.S. Al-Mukminun: 5-6

inhabitants are those who do wrong." Ibrahim said: "in the city there is a Luth". The angels said: "we know who that is in the city. We are truly going to save him and his followers except his wife. He was among those who left (destroyed)<sup>53</sup>. In this paragraph contains two explanations (*Al-istitsnā'* and *Al-tahshīsh*) simultaneously. The beginning of verse speaking in General (the House of *sodom*), later set aside by the family of Luth and the last exception to the wife of Luth.

- c. *al-ta'kid*, the word of Allah SWT; "*That's ten (days) "*. And the word of God; "*then perfected his time Lord, forty nights*"<sup>54</sup>. After God said 30 night 10 days.

Ibnu Ḥazm distinguishes between *Al-nasaḥ* with *Al-istitsnā'* and *Al-tahshīsh* and said: *Al-naskh* is eliminating the law or part of his globally (*jumlatān*), the difference between *al-naskh* and second *Al-bayān* above is in terms of the limitation period or era. Within the framework of *Al-naskh* Ibnu Ḥazm stated that the Qur'an can be in *naskh* with Qur'an nor the Sunnah and also with reverse<sup>55</sup>, since both are essentially a revelation that came to the Prophet.

## 2. Al- Ḥadith (*Sunnah Nabawiyah*)

In the view of Ibnu Ḥazm, the Sunnah is revelation *marwi manqūl* of God who is also mandatory and adhered to as well as the Qur'an. Because the Qur'an and Sunnah, is spirit and remains

---

<sup>53</sup> Q.S. Al-Ankabut: 31-32

<sup>54</sup> Al-A'raaf Q.S.: (7) 142

<sup>55</sup> Ali bin Ahmad bin Sa'id bin Ḥazm, *Al-Muhalla*, vols.: 1, p. 52

for the creature until the day of resurrection. Both are mutually tied up and there is no contradiction in it as well as both guarded by Allah SWT.

The ḥadith of the Prophet comes from, either in the form of words, deeds or recognition (*taqrīr*)<sup>56</sup>. In that case, Ibnu Ḥazm divides Al-sunnah into 3 parts, and each has a different power of law<sup>57</sup>, i.e.:

- a. *Sunnah Qauliyyah*, It is the words of the Apostles that were recorded in the ḥadith sahih *manqūl* and history. The Sunnah which commands they contain have the force of law is mandatory.
- b. *Sunnah Fi'liyyah*, the act of Prophet SAW in terms of *uswah* or *I'tisā'* (giving examples), not a mandatory thing (consequential *mubah*)<sup>58</sup>, unless there is a description or explanation to commands and realizing the law or are accompanied by a word of the Prophet.
- c. *Sunnah Taqrīriyyah*, It is the recognition of the Prophet against what he may know and performed by the companions and he doesn't deny it. The Sunnah is a permissible reason and not binding.

---

<sup>56</sup> Muhammad Abu Zahra, *Ibnu Ḥazm*, p. 253

<sup>57</sup> Ali bin Ahmad bin Sa'id bin Ḥazm, *Al-Ihkam*, vols.: 1, *Op.Cit*, p.

<sup>58</sup> Ali bin Ahmad bin Sa'id bin Ḥazm, *Al-Muhalla*, vols.: 1, *Op.Cit*, p.

Ibnu Ḥazm firmness in holding the Sunnah which just come and ascribed to the Apostle gives the legitimacy that the ḥadīth is *Mursal*, *Mauqūf*, and *Munqathi* ' cannot be used as proof in the Syarī'ah<sup>59</sup>.

As for the Sunnah in terms of classification of accounts, Ibnu Ḥazm Al-Sunnah divides into 2, namely: *Sunnah Mutawatir* and *Akhbar Ahaad*. *Sunnah Mutawatir* the sunnah is narrated by the Narrator at least two both of which are impossible to do lie<sup>60</sup>. This sense contrasts with the opinion of the majority of scholars ' who said that *Mutawatir* the sunnah is narrated by a party the Narrator<sup>61</sup> in the chain of the *isnād* impossible to lie. Here it seems clear that Ibnu Ḥazm is not too worried about the amount of Narrator *mutawatir* but prefer quality of Narrator.

As for the *Akhbar Ahaad* the sunnah is narrated by a narrator or older are not eligible tawatur. Ibnu Ḥazm argues that *Aḥad* of ḥadīth was mandatory in trust and can serve as a source of problems in aqai'd and at the same time in terms of his practice. The difference between a *Mutawatir* and *Ahaad* lies in the strong beristidlal and berhujah with him. In this case, indeed they take precedence over *Aḥad*.

---

<sup>59</sup> *Ibid*, jilid: 1, p. 51

<sup>60</sup> Muhammad Abu Zahra, *The date of the Madzahib Al-Islamiyya*, p. 587

<sup>61</sup> Scholars ' different in the total number of the Rawi the It is said tawatur, There are the the opinion a minimum of three Rawi5, minimal Rawi until count No finite. see: Ali bin Ahmad bin Sa'id bin Ḥazm, *al-Ihkam*, vols.: 1, *Op.Cit*, p. 102-103

In terms of Narrator, Ibnu Ḥazm said that besides the Narrator is *dlābith*, one trustworthy person and fair, Narrator should also faqih. Although, about faqih as the Narrator terms over accounts of perfection, not the admission criteria history<sup>62</sup>.

### 3. *Ijma'* (Consensus)

The third element of the sources of *fiqh* according to Ibnu Ḥazm is consensus. Consensus, according to the majority of *al-Uṣūliyyīn*, agreement was joined by the *mujtahidīn* from the Muslims after the death of Muhammad (the Prophet) in a time of an Islamic law<sup>63</sup>.

In the view of Ibnu Ḥazm, consensus only happens at the time of the companions or deal the entire Islamic Ummah from time to time, such as in matters of faith, prayer, fasting and Hajj. Because consensus, basically, bound by *nāsh syar'i* (Qur'an and Ḥadith), there is no consensus that came out of *nāsh*. So, it could be said, that the consensus is a belief that all the companions of the Messenger of Allah and say it without any *ikhtilāf* among them. Consensus are indeed as well as joining the Prophet in the religion a problem it is not possible out of *nāsh* are legitimate, because he *tawqif* (an explanation) and *ta'līm* (teaching) directly from the Prophet Muhammad<sup>64</sup>.

---

<sup>62</sup> *Ibid*, p. 226

<sup>63</sup> Wahbah Zuhaily, *Ushul al-Fiqh al-Islamy*, Jilid: 1, *Op.Cit*, p. 469

<sup>64</sup> Ali bin Ahmad bin Sa'id bin Ḥazm, *al-Muhalla*, Jilid: 1, *Op.Cit*, p. 54-55. And see also: Ali bin Ahmad bin Sa'id bin Ḥazm, *al-Ihkam*, Jilid: 1, *Op.Cit*, p. 553.

Thus, it can be concluded that there was consensus, according to Ibnu Ḥazm, was the agreement of an Islamic law that only happens at the time of the companions witnessed the decline of the revelation and know good *matluw* (the Qur'an) or *marwi manqūl* (Ḥadith) to the Prophet. Since consensus cannot be detached from the *Nash* and are *tawaqif* and *ta'līm*. Therefore, Ibnu Ḥazm cancel concept *Consensus*; ' expert Medina used by expert consensus *Makiyyah* or *Kuffah* which is used by most *Hanaḥiyyah*<sup>65</sup>.

#### 4. *Dalīl*

Ibnu Ḥazm refused the view of the people who say that evidence is equal to nothing and said: "the morons argue that our opinions about the proposition has been out of *nāsh* and consensus, as well as others said that evidence and nothing is the same. Their opinion is wrong, and we will explain it clearly so that the real *musykil* " Then Ibnu Ḥazm said that evidence sourced from *nāsh* or consensus, and he exited from *nāsh* and *dilālah* understanding of consensus. Evidence taken from *nāsh* and consensus itself, does not constitute coverage of both. It distinguishes between the proposition and *qiyās*<sup>66</sup>.

Ibnu Ḥazm divide "evidence" into 7 kinds: *first*, the premise (*muqoddimah*) the first and second text was then drawn conclusions that are not expressly stated in the text. Both enter a

---

<sup>65</sup> *Ibid*, p. 55. And *Ibid*, p. 600 and 615.

<sup>66</sup> Muhammad Abu Zahra, *Ibnu Ḥazm, Op.Cit*, p. 312

conditional verb in a sentence is conditional. *Third*, the meaning implied by the word by itself to deny another meaning that is not appropriate. *The fourth* legal status, if it is not expressly stated, whether it's halal or haram, then set the law a permissible reason. *The fifth*, ' *aks al-qadlāya* i.e. flip the predicate into objects and object to the predicate. *The sixth* When a word into objects for a meaning and in this meaning is no inevitability-the inevitability that is understood from that Word. Seventh, *Al-qādlaya al-mutadarrijah* or transitive's logical<sup>67</sup>.

#### 5. *Istishhāb*

*Istishhab*, according to language is a recognition of the existence of the relationship. Whereas according to the *Ushūl*, he is setting up something law based on previous state, so there is evidence that shows the State of change. Or is it set a law that has been fixed in the past and still remains on the case, and there is evidence that shows the above changes<sup>68</sup>.

But according to Ibnu Ḥazm, *Istishāb* is based on the original directive over *naṣ*, until there is evidence of *naṣ* who change it<sup>69</sup>. It is based on the *qā'idah fiqhiyyah* that says: "the origin of all things is *ibāḥah* or permissible reason". Origin, in the view of Ibnu Ḥazm, should be based on a *nāṣ*, not the original

---

<sup>67</sup> Ali bin Ahmad bin Sa'id bin Ḥazm, *al-Ihkam*, Jilid: 2, Op.Cit, p. 100-102

<sup>68</sup> Wahbah Zuhaili, *Ushul al-Fiqh al-Islamy*, Jilid: 2, Op.Cit, p. 859. And Abdul Wahhab Khallaf, Ilmu Ushul Fiqh, Op.Cit, p. 91

<sup>69</sup> Ibnu Ḥazm, *Al-Ihkam*, Volume: 2, Op.Cit, p. 3

stand alone with its authenticity without based on the *nāṣ*<sup>70</sup>. In terms of *ibāḥah*<sup>71</sup>, Ibnu Ḥazm gives *Hujjah* that God allows everything and forbid it with based on the *nāṣ syar'i*<sup>72</sup>.

The concept of *Istishāb* Ibnu Ḥazm is built on the following three pillars<sup>73</sup>:

- a. Something set with sure can't be removed except with sure commensurate and can't be removed by doubt.
- b. Something that is set with the law should not be changing the law unless there is evidence or things that change the nutritional.
- c. Akkad won't demand without *nāsh*, every contract or terms which no *nāsh* on behalf of contract as well as its provisions, then for the top bond *akid* no such contract, because basically there are no demands in the contract.

In *Istishhāb*, Ibnu Ḥazm gives a broad scope for the intellect or ratios to find out whether the issue is commanded, prohibited or only permissible reason according to *Syar'ah*.

---

<sup>70</sup> Muhammad Abu Zahra, *Ibnu Ḥazm*, *Op.Cit*, p. 320. Wahbah Zuhaily, *Usul Al-Fiqh Al-Islamy*, Vols.: 2, *Op.Cit*, p. 860.

<sup>71</sup> Ibnu Ḥazm divides *ibahah* be 3, namely; *nadb*, *makruh* and *mubah*. See: *Al-Nubadz*, P. 70

<sup>72</sup> Ali bin Ahmad bin Sa'id bin Ḥazm, *al-Ihkam*, Jilid: 1, *Op.Cit*, p. 58

<sup>73</sup> Muhammad Abu Zahra, *Ibnu Ḥazm*, *Op.Cit*. p. 323-326

## CHAPTER IV

### TEXTUALLY APPLICATION OF IBNU HAZM

Analyzing a thought is the process of arranging order, organize into a pattern, the categorization of a basic outline<sup>1</sup>. Or can also mean an activity of study, grouping, systematization, interpretation, so that a phenomenon has a value of social, academic, and scientific<sup>2</sup>. About the thought of Ibnu Hāzīm about women working in the ḥadīth, then the discussion presented are as follows:

#### **A. Understanding of Ḥadīth on Working Woman**

The process interpretation proposed here consists of a textual method, from the present *matan al-ḥadīth*, the quality of hadīths, and understanding the meaning of the hadīth. From here, turn up a concept that means to understand and comprehend. Lexically, the concept of meaning the main idea underlying a common idea, or ideas about something. He deals with objects that abstract universal<sup>3</sup>. Ḥadīth is the divine response, through the Prophets mind to the moral-social situation of the prophet, particularly to the problems of the commercial all society.

The first step of textual application is understanding in text of ḥadīth. So that why, the researcher will explain from the

---

<sup>1</sup> Ahmad Tanzeh, *Practical Research Methodologies*, (Yogyakarta: Publisher terrace, 2011), p. 95

<sup>2</sup> Suprayogo and Thobroni, *Priest Methodology of Social and religious Research*, (Bandung: teen Rosdakarya, 2003), p. 191

<sup>3</sup> Musahadi Ham, *Evolusi Konsep Sunnah; Implikasinya pada Hukum Islam*, (Semarang: Aneka Ilmu, 2000), p. 7

understanding the form of *matan* (text) itself. This will give a view to the next step in using the hermeneutics of Ibnu Hazm. So that why, from here, there is some step by step to analyze the ḥadīth from text until the background of text. This hermeneutic not just about understanding by original of text, but there are some seriously discussion to overcome the problems about law especially. By that method, the understanding of textual ḥadīth will find the views how the meaning of ḥadīth.

### A. 1. The Ḥadīth that doesn't Recomend Working Woman

In ḥadīth, the Prophet has said a concern when there are working women (participated in the mines) to help her husband as far as the researcher know, the ḥadīth is:

حَدَّثَنَا أَبُو أَحْمَدَ الزُّبَيْرِيُّ، حَدَّثَنَا بَشِيرُ بْنُ سَلْمَانَ، عَنْ سَيَّارٍ، عَنْ طَارِقِ بْنِ شَهَابٍ، قَالَ: كُنَّا عِنْدَ عَبْدِ اللَّهِ، جُلُوسًا، فَجَاءَ رَجُلٌ، فَقَالَ: قَدْ أُقِيمَتِ الصَّلَاةُ. فَقَامَ وَفُئِمْنَا مَعَهُ، فَلَمَّا دَخَلْنَا الْمَسْجِدَ، رَأَيْنَا النَّاسَ رُكُوعًا، فِي مُقَدِّمِ الْمَسْجِدِ، فَكَبَّرَ وَرَكَعَ، وَرَكَعْنَا ثُمَّ مَشِينَا، وَصَنَعْنَا مِثْلَ الَّذِي صَنَعَ، فَمَرَّ رَجُلٌ يُسْرِعُ، فَقَالَ: عَلَيْكَ السَّلَامُ يَا أَبَا عَبْدِ الرَّحْمَنِ، فَقَالَ: صَدَقَ اللَّهُ وَرَسُولُهُ، فَلَمَّا صَلَّيْنَا وَرَجَعْنَا، دَخَلَ إِلَى أَهْلِهِ، جَلَسْنَا، فَقَالَ بَعْضُنَا لِبَعْضٍ: أَمَا سَمِعْتُمْ رَدَّهُ عَلَى الرَّجُلِ: صَدَقَ اللَّهُ، وَبَلَغَتْ رُسُلُهُ، أَيُّكُمْ يَسْأَلُهُ؟ فَقَالَ طَارِقٌ: أَنَا أَسْأَلُهُ، فَسَأَلَهُ حِينَ خَرَجَ، فَذَكَرَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَنَّ بَيْنَ يَدَيْ السَّاعَةِ

تَسْلِيمِ الْخَاصَّةِ، وَفُشْوِ التَّجَارَةِ، حَتَّى تُعَيِّنَ الْمَرْأَةُ زَوْجَهَا عَلَى التَّجَارَةِ،  
وَقَطْعِ الْأَرْحَامِ، وَشَهَادَةِ الزُّورِ، وَكَيْتْمَانَ شَهَادَةِ الْحَقِّ، وَظُهُورَ الْقَلَمِ»<sup>4</sup>.

Translation: among the leading up to the onset of the Apocalypse are people just to give a special people (people who just knew only), spread trading. So, a woman helping her husband, and the breakdown of false testimony, and commercial *silaturrahmi*, and hidden when testimony is true, and it seems that the pen.

In the ḥadith mentions, that the participation of women in business in helping her husband entered in the signs of the Apocalypse (*sughro*)<sup>5</sup>. It is because the real work, it is heavy work for men. However, women can take the plunge into up there. That is cause for concern when the Prophet SAW women also participate in the conduct of business.

When the woman that her husband's job involved in Commerce (trade) of course it is very concerned about when it happened. Especially to be mentioned as a sign of the Apocalypse, certainly a lot of things will befall if women to participate in there<sup>6</sup>.

In the ḥadith also mentions ظُهُورَ الْقَلَمِ (rise of the writings). It is understood with the rise of the modern stationery that greatly facilitate in terms of writing. Like cellphones, computers, voice translator tool

---

<sup>4</sup> Ahmad bin Hambal, *Musnad al-Imam Ahmad bin Hambal*, juz 8, (Beirut: Darul Kutub Al Ilmiyyah, 1994), p. 5<sup>9</sup>

<sup>5</sup> Umar bin Sulaiman, *Apocalypse Sughro*, (Kuwait: Maktabah al-Falah, 1991), p. 192

<sup>6</sup> Ishom Musa Hadi, *Shahih Asyratal-Sa'ah*, (Beirut: Dār al-Utsmaniyyah, 2003), p. 53

automatically becomes writing. So, in the future, later generations grown in the State do not understand handwriting and can't write<sup>7</sup>.

In point of weight this discussion, discussion of sentences **وَفُشُوْا** **حَتَّىٰ تُعَيِّنَ الْمَرْأَةُ زَوْجَهَا عَلَىٰ التِّجَارَةِ** in the Ḥadith explain that when the rise of Commerce (business) there is already cause for concern no longer bargain value between the seller and the buyer. It is because the competition is getting tougher, trade up to the wife (a woman) there takes part included in the collection of treasures in such trade.

## A. 2. The Ḥadith of Permissible on working women

In this regard, the Islamic prophet Muhammad also mentions in his words were reserved to allow women to work. The Prophet of Islam as a carrier are certainly able to spread justice and prosperity for his people. The following is an explanation of the hadeeth of the Prophet in allowing women to work:

حَدَّثَنِي مُحَمَّدُ بْنُ حَاتِمٍ بْنُ مَيْمُونٍ. حَدَّثَنَا يَحْيَىٰ بْنُ سَعِيدٍ عَنِ ابْنِ جُرَيْجٍ  
 ح وَ حَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ. حَدَّثَنَا عَبْدُ الرَّزَّاقِ. أَخْبَرَنَا ابْنُ جُرَيْجٍ. ح  
 وَحَدَّثَنِي هَارُونُ بْنُ عَبْدِ اللَّهِ (وَاللَّفْظُ لَهُ). حَدَّثَنَا حَجَّاجُ بْنُ مُحَمَّدٍ. قَالَ:  
 ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الزُّبَيْرِ، أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ طَلَّقَتْ  
 خَالَتِي فَأَرَادَتْ أَنْ تَجِدَ نَخْلَهَا فَزَجَرَهَا رَجُلٌ أَنْ تَخْرُجَ فَأَتَتْ النَّبِيَّ صَلَّى اللَّهُ

---

<sup>7</sup> Dr. Muhammad bin Abdurrahman, *Misteri Akhir Dunia*, Darus sunnah, 2009, p. 19

عَلَيْهِ وَسَلَّمَ فَقَالَ بَلَىٰ فَجُدِّي نَخْلَكَ فَإِنَّكَ عَسَىٰ أَنْ تَصَدَّقِي أَوْ تَفْعَلِي  
مَعْرُوفًا<sup>٨</sup>.

Translation: and have told us Muhammad Ibn Hatim on bin Maimun has told us Yahya bin Said from Ibn Juraij and from other lines have been telling to us Muhammad Ibn Rafi ' have told us Abdur Razaq had preached tell us Ibn Juraij and from other lines, have been telling me the Aaron ibn Abdillah while the word from him, has told us Hajjaj bin Muhammad said: my aunt divorced, and she has about to cut down the tree of her palm. man forbade him to come out. He came before the Prophet, he said, not so, down the tree your palm, because perhaps you could give out charity or doing charitable goodness (with palms) Shahih Muslim, no.1483<sup>9</sup>.

When looking at the woman that he divorced her exhausted by her husband of course there is time for him to not get out of the House. However, in the explanation of the ḥadith, the Prophet Muhammad allowing it to exit the House aimed at picking the date palms.

Picking the date palms that time according to the Prophet Muhammad SAW is considered a job for good. Whereas, when a woman after at *talaq* It must be settled and should not come out during the *Iddah* for 4 months 10 days. Of course, the Prophet had their own reasons if it were in favor. Urination allows for a woman who was *Iddah*, such as:

---

<sup>8</sup> Imam Muslim bin Al Hajjaj, *Shahih Muslim*, Juz 6, *Op.Cit*, p. 91-92

<sup>9</sup> Muhammad Nashiruddin al-Bani, *Ringkasan Shahih Muslim*, (Jakarta: Gema Insani, 2005), p. 408

to meet the needs of working life, shopping, worrying about her safety. But, notes with fixed implement *Ihdād* i.e., no make-up and wearing fragrance oil<sup>10</sup>.

To understand the problem, the author uses the method of thematic research. Which, in this case collecting ḥadiths related to working women. The following ḥadith are banning the prove and correlate to women who's doing a work. By the way *maudhū'i* in the discussion of this Ḥadith is the development of a settlement *ikhtilaf al-Ḥadith*. Therefore, it should involve all that one theme or related in the deliberations of working women. Course of the Sahih ḥadith which writers collect in knowing the intent of the discussion. Thus, in following the researcher find two ḥadith related with permissible. Of them as ordered by the Prophet Muhammad SAW:

حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ قَالَ: حَدَّثَنَا خَفْصُ بْنُ غِيَاثٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ زَيْنَبِ بِنْتِ أُمِّ سَلَمَةَ، عَنْ أُمِّ سَلَمَةَ، قَالَتْ: أَمَرَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالصَّدَقَةِ، فَقَالَتْ زَيْنَبُ امْرَأَةُ عَبْدِ اللَّهِ: أَيْجِزِينِي مِنَ الصَّدَقَةِ أَنْ أَتَصَدَّقَ عَلَى رَوْحِي وَهُوَ قَعِيرٌ، وَبَنِي أَخٍ لِي أَيْتَامٍ، وَأَنَا أَنْفِقُ عَلَيْهِمْ هَكَذَا وَهَكَذَا، وَعَلَى كُلِّ حَالٍ؟ قَالَ: «نَعَمْ»، قَالَ: وَكَانَتْ صَنَاعَ الْيَدَيْنِ

<sup>10</sup> Taqiyuddin Abi Bakar bin Muhammad, *Kifayatul Akhyār*, Juz 1, (Beirut: Dār al-Manhaj, 1897), p. 433

<sup>11</sup> Ibnu Majah Abu Abdullah Muhammad bin Yazid, *Sunan Ibnu Majah*, Juz 1, (Beirut : Dār al-Kitāb al-Ilmiyyah, 1996), p. 587

Translation: Umm Salamah tell: "the Prophet telling us for a man". Then Zaynab – wife of Abdullah ibn Mas'ud said: is it permissible for a man to my husband that I'm poor and the orphans, my nieces and I live them with this and that? The Prophet answered: Yes, could be. (The Narrator) said: and he (Zainab) is a maker of crafts.<sup>12</sup>

At that time, Messenger allow women to work and participate with what is done by men. An attempt to discuss women in Islam is the courage to tap into something the region full of the dangers of excessive generalization and simplification, throughout the limitations that is almost inevitable Western *bias*.

The intention of giving charity makes the reason for women to be able to work. That's because it has a good purpose and by order of the Prophet SAW. Like the words of the Prophet Muhammad SAW:

حدثنا محمود بن غيلان أبو أحمد، حدثنا الفضل بن موسى السنياني، أخبرنا طلحة بن يحيى بن طلحة، عن عائشة بنت طلحة، عن عائشة أم المؤمنين، قالت: قال رسول الله صلى الله عليه وسلم: «أسرعكن لحاقا بي أطولكن يدا» قالت: فكن يتناولن أيتهن أطول يدا، قالت: فكانت أطولنا يدا زينب، لأنها كانت تعمل بيدها وتصدق<sup>13</sup>

---

<sup>12</sup> <http://sulaymaneidris.com/Hadits-Nabi-tentang-Bekerja/>, Accessed on February 06, 2018 at 09:17 am

<sup>13</sup> Muslim bin Al Hajjaj Al Qusyairy Annaisabury, *Shohih Muslim*, juz 7, *Op.Cit.*, p. 144

Translation: have tell Mahmud bin Ahmad Ash Ghilan have tell us Musa bin Fadhl, has been preaching to us Talha bin Yahya bin Talha from Aisha Bint Talha, Umm Al-Mu'minin Aisha, from had he said: Messenger of Allah says: the woman who the longest hand among us is Zainab, as he worked with his own hands and giving charity.<sup>14</sup>

A woman named Zainab time was mentioned by the Prophet as the woman who hands long. In that regard, the true meaning is overplayed hand in Affairs *Jariyah* (*shodaqoh*). Zainab known very easily and are sincere in helping people who are trouble.

If understood of linguists, طویل اليد has sense people who like allot of Zakāt for the public interest. It is mentioned in the book of zakat in the book Al-Bukhaari. And it's very justified in seeking elements of charitable goodness and always counted the reward<sup>15</sup>. When sayyida Aisha heard the news about the death of Zainab, he said: "the noble lady has gone and diligent worship, love the fatherless, and the widow"<sup>16</sup>.

So, the meaning of the notion of the long hands called in myself that Zainab not because good at stealing. Rather, it is the long hand hands who like charity, working in the

---

<sup>14</sup> Abdul Halim Muhammad Abu Syuqqah, *Op.Cit*, p. 180

<sup>15</sup> *Ibid.*, p. 185

<sup>16</sup> Muhammad Fathi Mas'ad, *Ummahatul Mukminin (Istri-istri Rasulullah Ibunda Orang-orang beriman)*, (Jakarta: Al-Qowam, 2004), p.64

purpose of goodness. Certainly, have the intention sincere in doing that<sup>17</sup>.

### A. 3. The Quality of Ḥadith

#### 1. Line of ḥadith that doesn't recommend working women

Name of Narator	Line of Narator	Line of Sanad
Thariq bin Shihab	Narator I	Sanad
Sayyar	Narator II	Sanad
Basyir bin Sulaiman	Narator III	Sanad
Abu Ahmad Zubairy	Narator IV	Sanad
Imam Ahmad	Narator V	Mukhorrij Ḥadith

Conclusion the *Sanād* :

إسناده حسن، سيار - وهو أبو حمزة الكوفي -، روى عنه جمع، وذكره ابن حبان في "الثقات" وهو صدوق عارف رمي بالتشيع.

That ḥadith just in Musnad Ahmad. In this case, this hadeeth is Sahih according recognized Muslim terms. But not expelled from Al-Bukhari nor Muslim. So, after the writer analyzes *sanad* on the ḥadith narrated by Imam Ahmad from Thariq bin Shihab has quality *ḥasan*.

#### 2. Line of ḥadith about permissible on working women

The line of ḥadith by Muslim in Sahih Muslim have 3 lines.

As that will be presented below:

Name of Narator	Line of Narator	Line of Sanad
Jabir bin Abdillah	Narator I	Sanad
Abu Zubair	Narator II	Sanad
Ibnu Jurajj	Narator III	Sanad
Yahya bin Said	Narator IV	Sanad
Muhammad	Narator V	Sanad

<sup>17</sup> *Ibid*, p. 68

bin ḥatim bin Maimun		
Muslim	Narator VI	Mukhorrij Ḥadith

Name of Narator	Line of Narator	Line of Sanad
Jabir bin Abdillah	Narator I	Sanad
Abu Zubair	Narator II	Sanad
Ibnu Juraij	Narator III	Sanad
Hajjaj bin Muhammad	Narator IV	Sanad
Harun bin Abdillah	Narator V	Sanad
Muslim	Narator VI	Mukhorrij Ḥadith

Name of Narator	Line of Narator	Line of Sanad
Jabir bin Abdillah	Narator I	Sanad
Abu Zubair	Narator II	Sanad
Ibnu Juraij	Narator III	Sanad
Abdul Razaq	Narator IV	Sanad
Muhammad ibn Rafi'i	Narator V	Sanad
Muslim	Narator VI	Mukhorrij Ḥadith

Conclusion the first *sanad*:

إسناده حسن رجاله ثقات عدا محمد بن الفضيل الضبي وهو صدوق  
عارف رمي بالتشيع ، رجاله رجال مسلم

Conclusion the second of *sanad*:

إسناده متصل ، رجاله ثقات ، رجاله رجال مسلم

Conclusion the third of *sanad*:

إسناده متصل ، رجاله ثقات ، رجاله رجال مسلم

In Shahih Muslim, first narrator is still Jabir bin Abdillah who is the first narrator after Rasullah. The last narrator is Muslim From the writer's analysis, all narrations

from several lines that gone out by Imam Muslim is *muttasil* or *sanad* is continued. In contrast to *rijal al-sanad* there some riwayat of Ahmad bin Hanbal are *thiqqah*. This is caused, there are some narrators rated honest but narrating *ḥadīth dai'f*. It is found at level under companion, Tabi'in.

So after the writer analyzes *sanad* on the *ḥadīth* narrated by Imam Muslim from Jabir bin Abdillah has quality *hasan*.

Name of Narator	Line of Narator	Line of Sanad
Ummi Salamah	Narator I	Sanad
Zainab	Narator II	Sanad
Urwah	Narator III	Sanad
Hisyam	Narator IV	Sanad
Khofshu bin Ghiyas	Narator V	Sanad
Yahya bin Adam	Narator VI	Sanad
Abu Bakar bin Abi Syaibah	Narator VII	Sanad
Ibnu Majah	Narator VIII	Mukhorrij Ḥadīth

The conclusion of this *sanād* is:

إسناد صحيح. وله شاهد صحيح رواه أصحاب الكتب الستة خلا أبا داود من حديث زينب امرأة عبد الله بن مسعود.

Name of Narator	Line of Narator	Line of Sanad
Aisyah Ummul Mu'min	Narator I	Sanad
Aisyah binti Thalhah	Narator II	Sanad
Thalhah bin Yahya bin Thalhah	Narator III	Sanad
Fadhl bin Musa	Narator IV	Sanad
Mahmud bin Ghilan	Narator V	Sanad
Muslim	Narator VI	Mukhorrij Ḥadīth

Conclusion the second of *Sānad* :

إسناده متصل ، رجاله ثقات ، رجاله رجال مسلم

#### A. 4. *Asbāb al-Wurūd*

In terms of understanding *asbābul wurūd* very helpful in understanding a ḥadīth. With *asbābul wurūd* the author was able to find out an event or an event, then caused the ḥadīth prophet SAW regarding to the incident. Knowing *asbābul wurūd* has great effect in understanding the meaning of ḥadīth at that time. The ḥadīth or sunnah<sup>18</sup> are probably not known or taking legal certainly of it, before knowing about *asbābul wurūd*.

In an indication referred to as "reformer" for Ibnu Ḥazm project his thoughts if in compare with the idea of the thinking of Daud ibn Ali There is a difference. According to Abid al Jabiri, project thought of Ibnu Ḥazm is not just limited to understanding *harfīyah* against religious texts, but also covers all aspects of culture and civilization of the Arabs/Islam to indigenous philosophical scope<sup>19</sup>.

Nevertheless, in addition to the benefits of *asbābul wurūd* It is to avoid misunderstandings (mismatch) in capturing the intent of a ḥadīth Certainly the elements that are part of the reason or the background (the past) creation of a ḥadīth<sup>20</sup>.

Ibnu Ḥazm renders the concept *Asbābul wurūd* (historical socio) became the most important thing in looking at the text. Like

---

<sup>18</sup>Muhammad' Ajjaj al-Khatib, *al-Ḥadīth Ulumuhu wa Mushthalahuhu*, (Beirut: Dār al-Fikr, 1989), p. 25

<sup>19</sup> Muhammad Abid al-Jabiri. *Problem Peradaban* (Penelusuran Jejak Kebudayaan Arab, Islam, dan Timur), (Maroko: Belukar, 2004), p.33

<sup>20</sup> Said Agil Husin Munawar, *asbābul wurūd Studi KritiK Ḥadīth Nabi Pendekatan Sosio Historis*, (Yogyakarta: PT. Pustaka Pelajar, 2001), p. 7

what the Imam Suyuthi that understanding the ḥadīth text still *musykil* (elusive and awkward) that there must have been something that happened to the history.<sup>21</sup> It is because of Ibnu Ḥazm's own very own reckon with history that have been justified at the time. And of course, when the legal issues are not contrary to the *Maqāsid al-syāri'ah* as whole.<sup>22</sup>

As far as researcher know that *Asbābul wurūd* has several benefits; (1). Specialize the General (*Takhshish al-'Ām*). (2). Limit the absolute (*Taqyīd al-muthlaq*). (3). Specifies the remaining global (*Tafshīl al-mujmal*). (4). Knowing *musabbāb ḥadīth*. (5). The wisdom of knowing *Maqāsid al-syāriah*.<sup>23</sup> Thus, understanding the text still be understood.

Thrifty authors, in this much-needed discussion of how the chronology of creation of ḥadīth at the time of the Prophet and his companions. As described in the hadeeth explains explicitly that there is a ban on a woman come into work with her husband and it was made one of the signs of the day of judgement. Whom:

There are a number of things that are considered Prophets as signs of the day of resurrection, i.e. *فُشُوُ التَّجَارَةِ، حَتَّى ، تَسْلِيمَ الْخَاصَّةِ*.

*، كَثْمَانَ شَهَادَةِ ، شَهَادَةِ الرُّؤُورِ ، فَطَعُ الأَرْحَامِ، تُعِينَ الْمَرْأَةُ زَوْجَهَا عَلَى التَّجَارَةِ*

---

<sup>21</sup> Jalaluddin al-Suyuti, *Asbābul Wurūd al-Ḥadīth*, (Egypt, Dār al-Ḥadīth, 1971), p. 11

<sup>22</sup> Thoha bin Ali Busrih, *Manhaj al-Ḥadīth Imam Ibnu Ḥazm al-Andalusy*, *Op.Cit*, p. 349

<sup>23</sup> Jalaluddin al-Suyuthi, *Asbābul Wurūd al-Ḥadīth*, *Op.Cit*, p. 42

ظُهُور القَلَمِ and الحَقِّ. In the text of the ḥadīth, in General indeed explain concerns the Prophet SAW against such things. However, in this study focused more to the text فَشَوَّ التِّجَارَةَ، حَتَّى تُعَيِّنَ الْمَرْأَةُ زَوْجَهَا عَلَى التَّجَارَةِ to be included in the category of signs of the day of judgement.

In the event occurred on Abdul Rahman see the sights in front of it there is a group of people who do pray, *rukū'*, running, by itself. In fact, some are closer to his ear (whispering). Whereas the time Abu Abdul Rahman is a dealer, must be friendly and mutually say hello clearly. And immediately it was Abdullah ibn Mas'ud and said whatever is said by the Prophet SAW. He said: that doomsday was imminent when it comes, the people uttering greetings, trafficking to a wife helps her husband in doing business (Commerce), disconnecting *silaturrahmi*, false testimony, hide their testimony that's right, and the large number of writings.<sup>24</sup>

Then, when a lot of people who just say hello in special person (a familiar person). So, the Prophet when it remembers anyone ever ordered by the Prophet about the sign near the arrival of doomsday. However, that *Asbābul wurūd* not explain yet for sure Why did the Prophet SAW absolutely. So, it will be a sign of the coming of the day of judgement. The above ḥadīth is a

---

<sup>24</sup> Dr. Muhammad bin Abdurrahman, *Misteri, Op.Cit*, p. 30

companion event of the result delivered the words of the Prophet SAW.

Whereas in the explanation of the ḥadīth allowed women out to work or do activities outside it are often discussed in the context of the present. However, in the above ḥadīth that reads:

طَلَّقْتُ خَالَتِي فَأَرَادَتْ أَنْ بَجِدَ نَحْلَهَا فَرَجَرَهَا رَجُلٌ أَنْ تَخْرُجَ فَأَتَتْ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ بَلَى فَجُدِّي نَحْلَكَ فَإِنَّكَ عَسَى أَنْ تَصَدَّقِي أَوْ تَفْعَلِي مَعْرُوفًا.

According to the explanation of Imam Suyuthi, the ḥadīth have *Asbābul wurūd* that described in problem *Iddāh* women after gaining *Thalaq*.

Chronology, when that time Aunt from Jaabir Ibn ' Abd-Allaah who has gained *Talaq* He divorced her or by her husband out of the House to picking dates in order fulfil his needs. However, there was someone men met with Bibi Jabir Ibnu Abdillah and immediately suspended him from that person to get out of the House. Because that person knows if Aunt from Jabir Ibn Abdillaah had just received *Talaq* and divorced. Until that time still entered *Iddāh* for what her.

Long story short, after which the wife from Jaabir Ibn ' Abdullah reported the incident to the Prophet SAW about the incident banning Aunt Jabir bin Abdallah to exit home for picking dates. See moaning from the wife of Jabir, the Prophet immediately

said بَلَى (yes, may) since the purpose out it was good and the results of its work could be for good also<sup>25</sup>.

In the meantime, the prove of *Asbābul wurūd* from ḥadith that explain ḥadith about Zainab Ats-Tsaqafiyah, the wife of ' Abdullah bin Mas'ud never asked for permission to meet the Prophet. When Zaynab's name mentioned before the Prophet then said: Zainab which? Answered "wife of Ibn Mas'ud". "Yeah let him in.". Then permitted Zainab to come in, and he asked: o Messenger of Allah, thou shalt this day ordered us, and gifts. I was about alms to my husband and my children ". Then the Prophet SAW said, "Yes, please. Your husband and your children more deserved it.

Alms<sup>26</sup> here his standing General (includes the obligatory or sunnah). For him, it is okay if you want to, and gifts to her husband and her children. It is the same good charity that obligatory or sunnah<sup>27</sup>.

While in ḥadith tells about Aisha Bint Jaishy (wife of the Prophet SAW). In that case, she said, "one day the Messenger of

---

<sup>25</sup> Syaikh Muhammad Al-Utsaimin, *Shahih Fiqih Wanita*, (Lebanon: AKBArmedia, 1999), p. 72-73

<sup>26</sup> In the Qur'an, *sadaqah* term used either for charity or alms. However, if it is viewed in terms of the law, both of which are different. That is, if the charity has a clear function to purify or clean the treasures and the soul given. While alms, is not something mandatory. His attitude was voluntary and not tied to specific terms in its expenditure well about the amount, timing, and simply applied.

<sup>27</sup> Muhammad bin Abdullah al-Syaukany, *Nailul Author*, Juz 4, (Mesir, Dār al-Ḥadith, 1993), p. 224

Allah said to his wives, the fastest following me of you is the most long-hand". Aisha said, then afterwards if we gather mutually measure our hands while looking at the wall where the most length. We will not cease doing that until such time as the death of Zainab. In fact, she is the woman who is short, and it is not the longest hand among us. We knew then that time that prophet Muhammad to be the length of the hand is the most widely alms. She was Zainab, a woman whose regular work with his hands, he can cultivate the skin and sewing then give his work in God's way<sup>28</sup>.

After looking at the events and chronology as it was, the author could understand with the concept of how *Asbābul wurūd* in such a way that it is. In the problems working women is actually not the problem and allowed for the underlying purpose of goodness. From the understanding that still are *Al-'Am* can in *Tahshīsh* being a discussion that could break down the problem. I.e., any level of women outside the home, as long as it respects the good and because Allah SWT certainly still be allowed. So, also in the ḥadīth, the Prophet was still giving waivers on the women themselves, though possibly subject to legal.

## **B. Understanding of Textual Ḥadīth on Working Women**

Ibnu Ḥazm al-Andalusy is a scholar poles madzab *Zahiri* (textual). According to Abid al Jabiri, project thought of Ibnu Ḥazm is not just limited to understanding *ḥarfīyah* against religious texts, but

---

<sup>28</sup> *Ibid*, p. 228

also covers all aspects of Arab culture and civilization Up the scope of philosophical vindication<sup>29</sup>.

In a description by using the textual method of Ibnu Ḥazm, certainly his understanding the text returned to the ḥadith itself. After passing through various test requirements and the quality of understanding the ḥadith, in final settlement of Ibnu Ḥazm centred on the form of the text for what it is.

So, the last process of the research is taking understanding of ḥadith by textually. Therefore, do not forget the previous discussion of this already tried researching the chronology and history of the ḥadith of the problem.

In my research this time, the problem of women's work was already listed in the words of the Prophet SAW. However, the researchers found the ḥadith that doesn't recommend and permissible in that issue. Therefore, understanding the textual basis need understanding specifically as well. Just as in the ḥadith:

أَنَّ يَدَيِ السَّاعَةِ تَسْلِمُ الْخَاصَّةَ، وَفُشُوَ التَّجَارَةَ، حَتَّى تُعَيَّنَ الْمَرْأَةُ  
زَوْجَهَا عَلَى التَّجَارَةِ، وَقَطَعَ الْأَرْحَامَ، وَشَهَادَةَ الرُّورِ، وَكَيْتَمَانَ شَهَادَةَ  
الْحَقِّ، وَظُهُورَ الْقَلَمِ

In textual is indeed فَشُوَ التَّجَارَةَ، حَتَّى تُعَيَّنَ الْمَرْأَةُ زَوْجَهَا عَلَى التَّجَارَةِ is

including the sign will be the coming of the day of judgement. However, in the text of the tag along its of Commerce husband wife in the caused by the rise of Commerce. The prophet SAW what is

---

<sup>29</sup> <http://www.fahmina.or.id/> Accessed on May 9, at 12.00 am

mentioned above shows where Commerce (Commerce) is already very widespread and it is free. As between State and developing nations have been very lively free commerce. Almost no clear boundaries between one another.

About the abundance of material possessions popularly attributed to the rise of commerce it is so despised by the Prophet. Such that is ordered by his:

أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: أَنْبَأَنَا وَهْبُ بْنُ جَرِيرٍ قَالَ: حَدَّثَنِي أَبِي، عَنْ يُونُسَ، عَنْ الْحَسَنِ، عَنْ عَمْرِو بْنِ تَعْلَبٍ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: " إِنَّ مِنْ أَشْرَاطِ السَّاعَةِ أَنْ يَفْشُوَ الْمَالُ وَيَكْثُرَ، وَتَفْشُوَ التَّجَارَةُ، وَيُظْهِرَ الْعِلْمُ، وَيَبِيعَ الرَّجُلُ الْبَيْعَ فَيَقُولُ: لَا حَتَّى أَسْتَأْمَرَ تَاجِرَ بَنِي فُلَانٍ، وَيُلْتَمَسَ فِي الْحَيِّ الْعَظِيمِ الْكَاتِبُ فَلَا يُوجَدُ"<sup>30</sup>.

Translation: It was rumored us Umar bin Ali said: we estimate Wahab Ibn Jurair said: it has been conveyed to me Abi, from Yunus, from Hassan, from Umar Ibn Taghlib said that the Messenger of Allah said: among the signs of the Apocalypse, is a glut of property and commerce, a proliferation of new outbreak of foolishness, the people doing the selling would say, I don't want to transact with you until I asked first to traders from Bani *Fulan*, and when looking for an interpreter tills in an area, it cannot find it<sup>31</sup>. HR. An-Nasa'i.

In this case, when the first vivid and easily running it, certainly not recommend including women. Because commerce itself

---

<sup>30</sup> Abu Abdurrahman an-Nasa'i, *Sunan an-Nasa'i*, Juz 7 (Aleppo or Syuriah, Maktabah al-Mathbu'ah al-Islamiyyah, 1986), p. 244

<sup>31</sup> Al-Bani dalam kitab ash-Shahihah mengkategorikan hadits ini ke dalam hadits shahih. Dan permulaan hadits ini tercantum dalam al-Bukhori dan Shahih Muslim

is not good and not according to what the Prophet commanded. And even in order to accumulate a rich treasure. If everyone has an abundant treasure, then for what a treasure it? Thus, it is to be the signs of the Apocalypse, as the word Rasulullah SAW:

وَحَدَّثَنَا أَبُو الطَّاهِرِ، حَدَّثَنَا ابْنُ وَهَبٍ، عَنْ عَمْرِو بْنِ الْحَارِثِ، عَنْ أَبِي يُونُسَ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: " لَا تَقُومُ السَّاعَةُ حَتَّى يَكْثُرَ فِيكُمْ الْمَالُ، فَيَفِضَ حَتَّى يُهَمَّ رَبُّ الْمَالِ مَنْ يَقْبَلُهُ مِنْهُ صَدَقَةً، وَيُدْعَى إِلَيْهِ الرَّجُلُ فَيَقُولُ: لَا أَرَبَ لِي فِيهِ " ٣٢

Translation: and has submitted Abu Taahir, and has delivered Ibn Wahab, the Amr Ibn Al-Harith, from Abu Yunus, from Abu Huraira, from the Prophet SAW said: the day of resurrection will not take place until the property a lot on you guys, and abundant, up to vex the owner property to seek alms from him that accepting people, and a call to come before him, and then he said, I do not have the necessity of him,' HR. Muslim.

Therefore, such a business is categorized as a sign of the Apocalypse. If the woman is included in it, would certainly be banned. However, if the Commerce that is reasonable and appropriate commercial what has prescribed and for the good (alms) is certainly highly recommended.

If in terms of goodness that is possible of course understanding contained in the ḥadith that allows women to work in a State still undergoing *Iddah* are also allowed. In the ḥadith, the

---

<sup>32</sup> Muslim bin Al-Hajjaj Al Qusyairy, *Shahih Muslim*, Juz 2, *Op.Cit*, p.701

Prophet replied: *بَلَىٰ فَجُدِّي نَحْلِكَ فَإِنَّكَ عَسَىٰ أَنْ تَصَدَّقِي أَوْ تَفْعَلِي مَعْرُوفًا*,

Obviously, allowed when it is for a good purpose and also to fulfill his needs.

In this case, women came out to do the activity (work) it is still legitimate, and religion doesn't forbid it. Because women have needs, and expertise that can be transmitted with a passing job. However, this should be emphasized, that women are allowed to work to fulfill his needs, not as a breadwinner to fulfill his family. It caused working together make a living was different<sup>33</sup>.

Rasulullah SAW said in *ḥadith* that scholars unanimously agreed that if the question of a living is the duty of the husband:

*وَهُنَّ عَلَيْكُمْ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ*<sup>34</sup>

Translation: and they (the wives) have the right given living and clothing (living) that obligated ye (o the husband). HR. Muslim 2137.

Therefore, women are allowing to work with notes to favor or to meet his needs. It was also mentioned in the *ḥadith* the Prophet reserved Zainab that the wife of Abd-Allah ibn Mas'ud. Zainab worked as a ' Tanners '<sup>35</sup>, to be gifts to the husband and his children<sup>36</sup>. The time Prophet is being ordered on the gifts, and Zainab choose

<sup>33</sup> Ibnul Mundzir, *al-Ijma'*, ak Armedia, 2005, p. 78

<sup>34</sup> Muslim bin Al Hajjaj Al Qusyairy Annaisabury, Juz 6, *Op.Cit*, P 229 – 231

<sup>35</sup> Tanning means process, ways, deeds (*menyamak*). The work was in the days of the Prophet is done by hand

<sup>36</sup> The journal, *Islamic Thought PARAMADINA*, (South Jakarta, Yayasan Paramadina, 2002), p. 21

gifts to the husband, and her children. The Prophet ever allow gifts from the results of this work and it was Zainab.

So, any work done by women to be honest very allowed. As long as the goal is still in favor and not past its limits as a woman.

If you see a question of goodness, of course it was also experienced by the wives of the Prophet himself, i.e., Zaynab Bint Jaishy. In the ḥadīth of the Prophet said:

فكن يتناولن أيتهن أطول يدا، قالت: فكانت أطولنا يدا زينب، لأنها كانت تعمل بيدها وتصدق.

Zainab has nickname people a long hand of the Prophet because it was proved it. In addition, he diligently works, he also always gave alms on the orphans and widows<sup>37</sup>.

Therefore, understanding women work here honestly never contrary to Islamic religion. It was proven by the history of Islam that allows women to work. As with the other wives of the Prophet peace be upon him also many that do work other than being obedient wife to the Prophet SAW.

---

<sup>37</sup> <http://kisahmuslim.com> Accessed on May 12, at 22.50 pm

## CHAPTER V

### EPILOGUE

#### A. Conclusion

In this chapter, the author will give some views of the result research. As far as author know, that working women are now still applied in many places. As an example, an employee of the factory, Office, farmers, even as the fishermen also still often found women workers in it. When it is understood the law of Islam (*fiqh*), it can be true with certain conditions in nature of women. But, it should be noted that to apply the values of ḥadīth correctly in the real history and true text of that situation at that time.

Finally, this research has done and complied with the procedures of thematic interpretation methods and the author has analyzed with textually formulated by Ibnu Ḥazm. So that why, from that method the author knows the overcome this research. After doing research, explaining and analyzing in previous chapters, it can be concluded that:

1. From understanding with ḥadīth and judging the historical side, working women has permissible for doing some work outside from the house. In the ḥadīth is not found banned women to work absolutely. It is precisely with the advent of Islam, many women who could do activities to satisfy the debt.

Because, in the ḥadīth also mentioned that working is a good practice and can be done by women as well as men. In fact, the Messenger in his ḥadīth offensive if one eats from his own

achievements is a precious and exemplified already since the time of the Prophet Daud a. s. Note, however, that the woman also has the capacity of the House to care for her husband's home. Because, however, the woman is his responsibilities at home. Therefore, if that responsibility could be fulfilled, work in addition it will be an extra practice for him in sufficient need.

2. Application of theory in Ibnu Ḥazm, i.e textual understanding in the ḥadith became his views to explore a problem. However, before doing textually, the next step is to understand the ḥadith from the historical socio culture until history who have been justified at the time. Because, all the current problems according to Ibnu Ḥazm must be returned at the time in which the text appears.

When Judging from the existing postulates, explained that working women are indeed allowed for him in a State status of any kind. Starting from the girl, wife, and a man who abandoned her husband (widow) shall be employed. The Prophet did not dispute the status of women was like what. Provided that, in the work had the objective *Ma'rūf* and it could give back to others, it certainly is possible.

## **B. Suggestion**

This research on the permissible of working women is only limited with the scope of the real historical from the original text. The author conscious, it needs to be explored further from contextually, the linguistic aspects, sociological, etc. from the beginning, this research is also limited to decide the problem formulation. So, in this

time has two questions of the research which do not scope many aspects.

Therefore, from this research, the author suggests the next researchers who have concern for the problems people to conduct a study on the interpretation of the ḥadith related to capacity of women in public or how a big influence for women to nation, religion and something that in public. Because, it could be a paragraph outwardly appear according to conscience but there is some problem to the values of the ḥadith. Although, many scholars permit a study with textually understanding might be expected to be able to the face of Islam and spread the values equitable between men and women in their portion.

### **C. Closing**

In the last, in this study is indeed using the textual method in its analysis. It is because the author wants to try different do not use common sense (reason), because Ibnu Ḥazm has theory not use sense also (analogy). So that why, the authors are aware, many say common sense is better than in *okol* (jobs). In the tip of Java, that is what often said. Therefore, the way out i.e. returns on the original propositions. Here, the research has been done is still very far from what is required by an expert of interpretation of Indonesia. Absolutely, this research still so far mentioned excellent and fulfill the best target in the big knowledge. Finally, the author still need some critics to motivate in process study

## REFERENCES

Al-Qur'an al-Karīm

Toha bin Ali Busrih, *Manhaj Hadits li Ibn Ḥazm*, (Beirut-Libanon: Dar Ibnu Ḥazm, 2001)

Ali bin Ahmad bin Sa'id bin Ḥazm, *Al-Ihkam fi Ushul al-Ahkam*, juz 1, (Beirut-Libanon, Dār al-Kitāb al-Ilmiyyah, 1985)

----- *Al-Muhalla*, Jilid 1, (Beirut: Dār al-Kitāb al-Ilmiyyah, 1987)

----- *An-Nabzat al-Kaifiyyat fi Ahkam Ushul addin*, (Beirut: Dār al-Kitāb al-Ilmiyyah, 1985)

Nashiruddin Albani, *the nature of the prayer of the Prophet*, (Jakarta: Pustaka Firdaus, 2007)

Muhammad bin Ismail Abu Abdullah al-Bukhori, *Shohih Bukhori*, juz 3, (Beirut : Dār al-Kitāb al-Ilmiyyah 1996)

-----juz 4, (Beirut: Dār al-Kitāb al-Ilmiyyah 1996)

-----*Syarh Shohih Bukhori*, juz 12 , Beirut : Dār al-Kitāb al-Ilmiyyah 1996

Imam Muslim bin Al Hajjaj Al Qusyairy Annaisabury, *Shohih Muslim*, juz 2, (Beirut: Darul Kutub Al Ilmiyyah, 1994)

-----Juz 6 (Beirut: Dār al- kutub Al Ilmiyyah 1994)

-----Juz 7 (Beirut: Dār al- kutub Al Ilmiyyah 1994)

Ahmad Rofiq, *Hukum Perdata Islam di Indonesia*, Jakarta: (PT Raja Grafindo Persada, 2013)

Abdul Halim Abu Syuqqah, *Kebebasan Wanita*, (Jakarta: Gema Insani Press, 2000)

- *Self-Women according to the Qur'an and the Ḥadith* ,  
(Kuwait: Dar Al-Qalam, 1990)
- *Tahrirul Mar'ah fi 'Ashrir Risalah*, Jilid I, (Kuwait: Dar  
Al-Qalam, 1987)
- Ahmad bin Hambal, *Musnad al-Imam Ahmad bin Hambal*, juz 8,  
(Beirut: Darul Kutub Al Ilmiyyah, 1994)
- Imam Ibnul Mundzir *al-Ijma'*, (Maktabah Al-Furqon & Maktabah  
Makkah Ats-Tsiqofiyah, 1999)
- M. Amin Abdullah "*The Ḥadith in the corpus of Muslim  
Intellectuals: Al-Ghazali and Ibn Taymiyyah*", (Yogyakarta:  
Agency assessment and Practice Islam (LPPI), Universitas  
Muhammadiyah Yogyakarta, 1996)
- Khalid Al Namadi, *Risalah Buat Wanita Muslimah*, (Jakarta: Pustaka  
Mantiq, 2002)
- Murtadha Muthahhari, *Hak-Hak Wanita dalam Islam*, (Jakarta:  
Lentera, 1997)
- Muhammad Syarif Chaudhry, *Women's Rights in Islam*, (Chitli Qabar  
Delhi Adam Publishers-1997)
- M.Quraish Shihab, *Tafsir Al-Mishbah: Pesan, kesan dan keserasian  
Al-Qur'an*, (Jakarta: Lentera Hati, 2009)
- *Wawasan Al-Qur'an, Tafsir Maudhu'i, Atas Pelbagai  
Persoalan Umat*, Cet, VII, (Bandung: Mizan, 1998)
- Munzier Suparta, *Ilmu Hadits* (Jakarta PT. Raja Grafindo Persada,  
2008)
- Lexy J. Meleong, *Metodologi Penelitian Kualitatif*, (Bandung: Remaja  
Rosda Karya, , 1993)

- Chanafie al-Jauhari, *Islamic Hermeneutics: Build the Civilization of the Lord in the Global Scene* (Yogyakarta: ITTIQA Press, 1999)
- Mai Yamani, *Feminisme and Islam (Legal and Literary Perspectives)*, (Lebanon: Ithaca Press. 1996)
- Zaitunah Subhan, *Qodrat Perempuan Takdir atau Mitos* (Yogyakarta: Pustaka Pesantren, 2004)
- Abu Dawud Sulaiman, *Sunan Abu Dawud*, (Beirut: al-Maktabah al-'Ashriyah, 1988)
- Beneria. L, *Reproduction, Production, and The Sexual Division of Labour*, Cambridge Journal of Economics 3 No. 3
- Haris, O and K. Young, *Some Problems in The Analysis of Reproduction*, (London: Macmilan, 1982)
- Ratna Saptari dan Brigitte Holzner, *Perempuan, Kerja, dan Perubahan Sosial*, (Jakarta: Pustaka Utama Grafiti, 1997)
- KH. Toto Tasmara, *Membudayakan Etos Kerja Islam*, (Jakarta: Gema Insani Press, 2002)
- Ray Sitoresmi Syukri Fadhal, *Sosok Perempuan Pandangan Artis*, (Yogyakarta: PT. Tiara Wacana, 1993)
- Muhammad Ajjaj al-Khatib, *As-Sunnah Qabla Tadwin*, (Beirut: Dar al-Fikr, 1975)
- *al-Hadith Ulumuhu wa Mushthalahu*, (Beirut: Dār al-Fikr, 1989)
- Ibnu Qudamah, *Al Mughni*, (Jakarta: Pustaka Azzam;2013)
- M. Amin, *The Waqfs and Social Life in Egypt*, (Cairo: Dār al- Nahda al-Arabiyya, 1980)

Fatima Mernissi, *The Veil and The Male Elites: A feminists Interpretation of Women's Rights in Islam*, (Massachusetts: Addison Wesley, 1991)

Siti Muslikhati, *Feminism and women's empowerment in the scales of Islam*, (Jakarta: Lantern Science, 1998)

Walby Sylvia, *Theorizing Patriarchy*, (London: Wiley-B;ackwell, 1990)

C.A. Soorma, *The Status of Woman in World Religions and Civilizations*, (Delhi: First published as a book in 1929, printed at Nirman Press, 2017)

Al-Maktabah al-Syamilah

Ahmad bin Ali bin Hajar Abu Fadhol al-Asqalany, *Fathul Bari Syarh Shahih Bukhori*, Jus 5, (Beirut: Dār al-Ma'rifat, 13<sup>99</sup>)

Yazid bin Abdul Qadir Jawas, *Gifts for Exceptional Toward Family Of Sakinah*, (Bogor, the library at-Taqwa, 2006)

Yusuf Qardhawi, *Bagian Memahami Hadits SAW*, (Bandung, Kharisma; 1993)

Umi Sumbulah, *Kritik Hadits: Pendekatan Historis Metodologis*, (Malang: UIN-Malang Press, 2008)

Ahmad Warson Munawir, *Al-Munawwir Arabic Dictionary-Indonesia*, (Surabaya; The progressive reader, 1997)

Muhammad Husain Adz dzahabiy, at *Tafsir wal Mufasssirun*, , Vol. 1 (Cairo; Maktabah Wahbah, 1996)

Abdul Majid Khon, *Takhrij dan Metode Memahami Hdits*, (Jkarta; Amzah, 2014)

Masturi Irham, *60 Ulama Biography; The salaf*, (Jakarta: Pustaka setiaIheri, 2005)

- Mahmud Ali Himayah, *Ibnu Hazm: Biografi, Karya dan Kajiannya tentang Agama*; terjemahan: Halid al-Kaf, (Jakarta: Lentera, 2001)
- Muhammad Abu Zahra, *Ibnu Hazm Hayatuhu wa 'Ashruhu-Ra'yuhu wa Fiqhhuhu*, (Cairo: Dar al Fikr al-'Arabi, 1997)
- *Tarikh al-Madzabi al-Islamiyah*, (Cairo: Dar al Fikr al-'Arabi, 1997)
- *The date of the Madzahib Al-Islamiyyah*, (Cairo: Dar al Fikr al-'Arabi, 1997)
- Ibnu Hajar al-Asqalani, *Lisan al-Mizan*, (al-Maktabah al-Syamilah)
- Muhammad al-Muntasir Al-Kittani, *Mu'jam Fiqh* (Bairut: Dār al-Jiil 1996)
- Muhammad Mojlum Khan, *100 Muslim Berpengaruh Sepanjang Sejarah*, Cet. 1, (Jakarta: Mizan Publika, 2012)
- Muhammad Hasbi al-Shiddieqy, *Introduction to The Science Of Fiqh*, (Semarang: Pustaka Rizki sons, 1999)
- Khairul Amru Harahap, Achmad Fauzan, *Tokoh-Tokoh Besar Islam Sepanjang Sejarah*, (Jakarta: Pustaka Al-Kautsar, 2007)
- Wahbah Zuhaily, *Usul Fiqh Al-Islamy*, Vol 1, (Damascus: Dar al-Fikr, 2006)
- Vol 2, (Damascus: Dar al-Fikr, 2006)
- Muhammad Abed al-Jabiri, *Post-Tradisionalisme Islam*, translated: Ahmad Baso (Yogyakarta: LKIS, 2000)
- Ahmad Tanzeh, *Practical Research Methodologies*, (Yogyakarta: Publisher terrace, 2011)
- Suprayogo and Thobroni, *Priest Methodology of Social and religious Research*, (Bandung: teen Rosdakarya, 2003)

- Musahadi Ham, *Evolusi Konsep Sunnah; Implikasinya pada Hukum Islam*, (Semarang: Aneka Ilmu, 2000)
- Umar bin Sulaiman, *Apocalypse Sughro*, (Kuwait: Maktabah al-Falah, 1991)
- Ishom Musa Hadi, *Shahih Asyratal-Sa'ah*, (Beirut: Dār al-Utsmaniyyah, 2003)
- Dr. Muhammad bin Abdurrahman, *Misteri Akhir Dunia*, Darus sunnah, 2009
- Muhammad Nashiruddin al-Bani, *Ringkasan Shahih Muslim*, (Jakarta: Gema Insani, 2005)
- Taqiyuddin Abi Bakar bin Muhammad, *Kifayatul Akhyar*, Juz 1, (Beirut: Dār al-Manhaj, 1897)
- Ibnu Majah Abu Abdullah Muhammad bin Yazid, *Sunan Ibnu Majah*, juz 1 (Beirut : Dār al-Kitāb al-Ilmiyyah 1996)
- Muhammad Fathi Mas'ad, *Ummahatul Mukminin (Istri-istri Rasulullah Ibunda Orang-orang beriman)*, (Jakarta: Al-Qowam, 2004)
- Muhammad Abid al-Jabiri. *Problem Peradaban* (Penelusuran Jejak Kebudayaan Arab, Islam, dan Timur), (Maroko: Belukar, 2004)
- Jalaluddin al-Suyuti, *Asbābul Wurūd al-Ḥadīth* , (Egypt, Dār al-Ḥadīth , 1971)
- Said Agil Husin Munawar, *asbābul wurūd Studi KritiK Ḥadīth Nabi Pendekatan Sosio Historis*, (Yogyakarta: PT. Pustaka Pelajar, 2001)
- Syaikh Muhammad Al-Utsaimin, *Shahih Fiqih Wanita*, (Lebanon: AKBArmedia, 1999)

Muhammad bin Abdullah al-Syaukany, *Nailul Author*, Juz 4, (Mesir, Dār al-Ḥadīth , 1993)

Abu Abdurrahman an-Nasa'i, *Sunan an-Nasa'i*, Juz 7 (Aleppo or Syuriah, Maktabah al-Mathbu'ah al-Islamiyyah, 1986)

The journal, *Islamic Thought PARAMADINA*, South Jakarta, Yayasan Paramadina, 2002

<http://www.fahmina.or.id/>

<http://kisahmuslim.com>

[http://id.m.wikipedia.org/wiki/Ibnu\\_Hazm](http://id.m.wikipedia.org/wiki/Ibnu_Hazm)

<http://tulisanterkini.com/artikel/artikel-ilmiah/9200-pengertian-perempuan.html>

<http://hbis.wordpress.com/2009/07/16/bagaimana-wanita-karir-menurut-islam/>

<http://syaamilquran.com/wanita-sebagai-ratu-rumah-stairs-2-html>,

<http://sulaymaneidris.com/Hadits-Nabi-tentang-Bekerja/>, Accessed on February 06,

Dr. Muhammad Al- Areifi, *m.inilah.com*, /news/detail/2309014/tanda-akhir-zaman-istri-membantu-suami-berniaga,

<https://maktabahabiyahya.wordpress.com/2012/06/06/fiqih-nafkah-memahami-kewajiban-memberi-nafkah-dalam-islam/>



# CURRICULUM VITAE

## PERSONAL DATA



Name : Muhammad Ulul Albab  
Place, date of birth : Gresik, 15 april 1993  
Religion : Islam  
Home address : Jl. Kyai Sahlan 19/07  
Manyar Sidorukun Gresik  
Phone number : 085733182412  
Email :  
muhammadululalbab93@gmail.com

## HISTORY OF EDUCATION

### Formal education

1. Elementary school (MI) Minu Banin Gresik
2. Junior High School (MTS) Mambaus Sholihin Gresik
3. Senior High School (MA) Mambaus Sholihin Gresik
4. UIN Walisongo in Program study of Tafsir Hadith Semarang

### Non-formal education

1. The Daffodils and BEC in Kampoeng Inggris Pare
2. Young Entrepreneur school in Surabaya
3. Diniyah Ula and Wustho Asshochichi Gresik

## ORGANIZATION EXPERIENCE

1. Student Body Secretary MA Mambaus Sholihin
2. Coordinator of skill development in Ushuluddin Language Community (ULC)
3. Exercise Cadres 1 (Basic Training) HMI Semarang
4. Executive of HRD (human resources development) in Surat Kabar Mahasiswa AMANAT
5. The Chief in Surat Kabar Mahasiswa AMANAT