

divorce

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Housing Rights for Women in Irrevocable Divorce

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Abstract

This paper aims to find out the strongest opinion on the issue of housing rights for women who are irrevocable divorced whose in pregnancy. There are two conflicting opinions on the matter. The first opinion says it is entitled to get housing rights, while the second opinion says it is not entitled to housing rights. To resolve the issue of dissent in order to produce the strongest opinion, the tarjih method is used as the knife of analysis. This paper also wants to provide knowledge about the operational procedures of the tarjih method in resolving several conflicting opinions. After paying attention and analyzing the arguments used by the two opinions, then according to the author, the strongest opinion is the second opinion which says that women who are irrevocable divorced in a state of pregnancy are not entitled to get housing rights from their husbands during the iddah period.

Keywords: *housing rights, the proposition, revocable divorce, irrevocable divorce, 'iddah*

I. Introduction

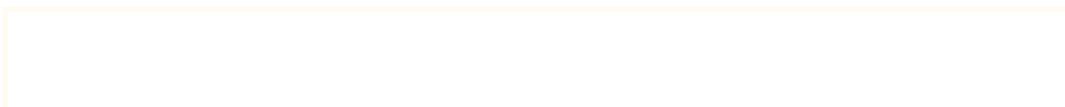
Divorce (*talak*) in terms of whether it can or cannot be referred to again is divided into *raj'iy* and *ba'in*. Irrevocable divorce (*ba'in* divorce) is divided also to minor irrevocable divorce (*ba'in shugra*) and major irrevocable divorce (*ba'in kubra*).

What is meant by divorce *raj'iy* is breaking the marriage ties (which apply) in the future, not the present time. In *raj'iy* divorce, the husband can still refer his wife back as long as he is in the *iddah* period, without the wife's consent, without dowry, and without a new contract. While irrevocable divorce is breaking the marriage ties (which apply) at the present time. In minor irrevocable divorce, the husband cannot reconcile even though he is still in the *iddah* period, except with a new contract, a new dowry, and with the agreement of his ex-wife. As for the major irrevocable divorce, the ex-wife is no longer lawful for the husband for a while (*muaqqat*) until the ex-wife remarries with another man, then the ex-wife is also divorced by her new husband after the marriage (*dukhul*).

Divorce that is classified as irrevocable divorce is divorce before *dukhul*, redemption divorce, divorce that is dropped by the judge on the basis of the demands of the wife due to defects in the husband, *syiqaq*, occult husband, or husband imprisoned. While divorce which is classified major irrevocable divorce is divorce three or the third time.

Regarding women who are *raj'iy* divorced (revocable divorced), the clerics agree to state that they are entitled to a board (house) as long as they are still in '*iddah*. Regarding women who are irrevocable divorced in pregnancy, the clerics also agreed to state that they are entitled to housing rights while in the '*iddah*.

Then what is the opinion of the clerics regarding the right of housing facilities for women who are irrevocable divorced not in pregnancy? This is the main problem that will be



discussed in this paper, with the following systematic: introduction, the opinion of the ulama on the matter, the argument of each opinion, because of differences of opinion, analysis and opinion chosen, the last is closing.

II. Opinions of Clerics on The Problem

Scholars differ in their opinions on the right to housing during the '*iddah*' for women who irrevocably divorced not in pregnancy. There are two opinions of scholars about that.

a. The first opinion states that women who are irrevocably divorced not in pregnancy are not entitled to housing rights while in the '*iddah*'. Such opinions are those of the Hanafi, Malik, and Shafi'i schools.

b. The second opinion states that women who are irrevocably divorced not in pregnancy are not entitled to housing rights while in the '*iddah*'. Such is the opinion of the school of Ahmad Ibn Hanbal.

III. The Arguments of Each Opinion

a. The first opinion proposition

In the above matter the first opinion submits the argument from QS. at-Talak / 65: 1 and 6 as follows:

1. QS. at-Talak / 65: 1

Meaning: O Prophet, when ye divorce your wives, then divorce them when they can (see) their (proper) *iddah* and count the time and fear Allah your Lord. Do not send them out of their houses and do not let them out unless they commit a vile act. These are the laws of Allah and whoever transgresses the laws of Allah, then indeed he has done wrong to himself. You don't know that maybe God did something new.

2. QS. At-Talak / 65: 6

Meaning: Make them (your wives) where you live according to your ability ...

In the verse, Allah mentions *al-muthallaqat* as a whole; Allah does not distinguish or exclude any of them (*al-muthallaqat*). It is forbidden for the husband with the words "*la tukhrijuhunna*" to release the divorced woman in their home. Allah explains with this verse "*askinuhunna*", regarding the matter of a divorced woman and cannot be reconciled by her husband anymore, because God commands the husbands to give the divorced woman a place to live in general.

3. Arguments of Intellect

Means of the board is the wife's right that arises due to marriage. '*iddah*' is a part that also arises from the cause of marriage. Therefore, women who are irrevocably divorced while still in the *iddah* are entitled to get housing rights.

b. The second opinion proposition

In the aforementioned problem the second opinion proposes the proposition of the Prophet's hadith narrated by Muslims from Fatimah bint Qais as follows:



The above hadith is an answer to Fatimah's question about her rights after her husband divorced from irrevocable divorce. The Prophet said: *Laisa laki 'alaihi nafaqatun wa la sukna*. He (your husband) is not obliged to give you the living rights of the board right. Therefore, women who are irrevocable divorced are not entitled to housing rights.

IV. Discussion of Arguments

The first argument put forward by the first opinion is verse 1 of the at-Talak letter. Supporters of this first opinion, state that the verse has a general meaning, including revocable divorce and irrevocable divorce.

Such an understanding of the first opinion is criticized by the second opinion by stating that the verse is actually intended specifically for women who are revocable divorced.

The first opinion asked, "What is the reason you say that the verse is specifically for the revocable divorce only?"

The second opinion answered, "The reason in the continuation of the verse is the word " *la tadri la 'alla Allah yuhditsu ba'da zalika amra* ". The word *al-amr* or "case" that is expected to occur in this verse is *al-muraja'ah*, ie husband and wife reconcile. Such is the opinion of the salaf scholars. Sya'by (narrator of the Hadith Fatimah) also interprets *al-amr* with "it is possible that you regret it, if you regret it there is a way for you (husband) to reconcile". *Ad-Dhahak*, 'Atha' and *Qatadah* also interpret like that. With this information it is clear that the divorce mentioned at the base of the verse is the revocable divorce. So, if the verse is intended for women who are revocable divorced, then it cannot be used as a proposition to establish the law for irrevocable divorce.

The second argument of the first opinion, the letter at-Talak verse 6, also received criticism from the second opinion as follows: Allah mentions the command to give shelter to *al-muthallaqat* with His words " *askinuhunna min haitsu sakantum min wujdikum*" *dhamir-dhamir* which is in the verses are all one (ie *al-muthallaqat* at the base of the verse), and the laws in that verse are also related to one another (*mutalazimah*). Such interpretation is in accordance with the hadith of the Prophet:

Meaning: The living and facilities for the board are only for women if their husbands have the right to refer to them.

So, this hadith is a *bayan* and interpreter for the word of God. If interpreted so, then it is clearly seen that the Prophet's decision on the issue of Fatimah bint Qais was in accordance with Alquran, and there were no more contradictions.

The third argument, namely the argument of *aqal* from the first opinion, is also criticized by the second opinion as follows: Surely the livelihood and the means of the housing rights are the rights of a woman only if the woman is a wife. If the woman is irrevocable divorced then she has become someone else (*ajnabiyah*), not his wife anymore. Thus, the law that was applied to him was only left again, because the law that was imposed on him was the law that was imposed on *ajnabiyah* women; not the wife's law. Therefore there is no law for her except give *'iddah*. Besides he did not get the housing rights, he also did not get a living. Because the living



is only required to the husband as a counterpart (*muqabalah*) privilege'. In the case of women being irrevocable divorced, the husband is not likely to do any more'. Therefore, he is not entitled to earn a living. If the maintenance is obliged to the husband because of iddah reasons, then the income must also be required for women who die their husbands. Because both of them are divorced and the woman is happy because of the divorce. In addition, if for a woman who is irrevocable divorced, she must get a housing rights, then she must also earn a living, because the means for living and facilities are an obligation related to marriage. 'Iddah is part of the marriage law, therefore a woman who is irrevocable divorced is entitled to earn a living as she is entitled to housing rights because of 'iddah.

The answer to the first opinion on the criticism of the second opinion regarding verse 1 of the At-Talak letter is as follows: You understand that the verse is only intended for revocable divorce and does not include those that are irrevocable divorced. But we (the first opinion) say that the verse does not only include the revocable divorce but also includes the irrevocable divorce, because our interpretation is based on the narration of the Prophet's hadith from Abi Ishak. Abi Ishak said:

"I sat in the mosque with Aswad bin Yazid, and with us there was as-Sya'by. Then Sya'by told the hadith Fatimah bint Qais that the Prophet decided the law did not give him a living and housing rights. Then Aswad took a handful of gravel and threw it to Shaytan while saying: "Woe to you (O Sya'by), do you deserve to tell like this". Then Umar Ibn al-Khatthab said: "We must not leave the Book of Allah and the Sunnah of the Prophet because of the words of a woman that we do not know for sure if she remembers or forgets that she is entitled to a board and sustenance because Allah said: *La tukhrijuhunna min buyutihinna wa la yakhrujna illa an ya'tina bi fahisyatin mubayyinah...* (at-Talak verse 1)".

The Book of God referred to by Umar is verse 1 of the At-Talak letter. From this hadith it can be understood that Umar understood the verse to give a general understanding, including all women who are irrevocable divorced, both revocable divorced and those who are irrevocable divorced. If this verse is only for the revocable divorce, surely Umar will not use it.

About the second proposition; verse 6 of the At-Talak letter, the second opinion says, "If you say this verse cannot be a reference to irrevocable divorce because the *dhamir* that is in" *askinuhunna* "returns to the previous one, *al-muthallaqat ar-raj'iyat*, then we answer as follows: "If the interpretation that you say is true surely Allah does not need to mention the next verse again that is" *wa in kunna ulatu hamlin fa anfiq 'alaihinna* ". Why no need? Because the woman who is revocable divorced has been agreed to be given a living, whether she is pregnant or not pregnant. However, when Allah specifically mentions a person who is pregnant, the *askinuhunna* verse shows that what is meant is an irrevocable divorced woman who is not pregnant.

Criticism of the hadith as the argument of the second opinion, is proposed by the first opinion as follows: The criticism can in principle be summarized as follows:



1. The female narrator
2. There were no two-witnesses who corroborated the history of Fatimah bint Qais
3. History of Fatimah contradicts the Qur'anic verse
4. Fatimah's history is contrary to the Sunnah.

In connection with the above criticism the second opinion answers as follows:

1. The problem is the female narrator

The second opinion replied, "If we cannot establish a law based on the history of a woman, then that is contrary to reality. Why? Because clerics (ulama) take the hadith from Aisha, while she is a woman; likewise the hadith taken from the wives of other Prophets, even though they were all women; people also take the tradition of *Furai'ah* who is also a woman. Opinions that say women should not narrate the hadith are statements that contradict *Ijma'*. Because according to *Ijma'* women can be accepted as narrators of the hadith.

2. The problem is that there are no two-witnesses

In this matter, the second opinion answered, "If each narrator must have two-witnesses first, then the hadith that is reported as acceptable can be accepted, then they are the first to violate the rule. Why? Does every *sahabat* who narrates the hadith each have two-witnesses? If such a rule is applied to Fatimah then that rule must also be applied to other narrators.

3. The history of Fatimah contradicts the Qur'anic verses "*la tukhrijuhunna ...*"

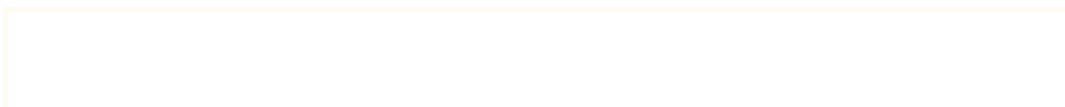
As is known, the first opinion understands as Umar understood, that the verse gives a general understanding, including all women who are irrevocable divorced. Therefore, women who are divorced are entitled to housing rights; while the Hadith Fatimah stipulates that it is not entitled to housing rights. Thus, Fatimah's hadith contradicts the Qur'anic verse.

In this matter the second opinion answers, "The Hadith does not contradict the verse. Because after that verse it says "*la tadri la'alla Allah yuhditsu ba'da zalika amra*". With this verse, then the verse "*la tukhrijuhunna*" is meant to refer to irrevocable divorce, why does Allah mention "*fa amsikuhunna*" again? and Fatimah herself also denied that the verse was addressed to irrevocable divorce. He said, "What else will happen after three?" With this information, the Fatimah's tradition cannot be said to be contradictory, but instead it is in accordance with the Book of Allah.

4. About the history of Fatimah contrary to the Sunnah

Which sunnah is contrary to the history of Fatimah? The sunnah they meant was the words of Umar, narrated by Ibrahim an-Nakha'iy, namely the words of Umar: *la nada'u kitaba rabbina wa sunnata nabiyyina ...* what was meant by *sunnata nabiyyina* was Umar's words "*Sami'tu Rasul Allah SAW yaqulu: laha as -sukna wa an-nafaqat*".

The second opinion replied, "Umar did not say that. What Umar said was: *la najizu fi dinina qaula imra-at*". In terms of the facilities of this board, Fatimah is a *shahib al-qishshah*, of



course he knows more about himself and knows more about his situation than anyone else.

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The Umar term was opposed by *Ali, Ibn Abbas, Jabir, Atha', Thawus, al-Hasan, Ikrimah, Maimun Ibn Mahran, Ishak, Abi Tsur and Daud*. If Umar's words were not contradicted by someone, maybe we could accept it.

If Fatimah's history is said to be contrary to the Sunnah, this statement is not true. Because the Sunnah of the Apostle is in Fatimah. The history of Umar is not the Sunnah, but the understanding obtained from the general verse about the obligation of housing rights for women who are barred; not the sunnah that came from the Prophet. Umar's statement which stated that a pregnant woman who was not pregnant received a housing rights was a decision that had no evidence.

Such words of Umar, the narrator is Ibrahim *an-Nakha'iy*. Ibrahim *an-Nakha'iy* himself was born two years after Umar died. So, Ibrahim never met with Umar. If Ibrahim really did receive such words from Umar, then the history also could not be used as *hujjah* because Umar in the narration did not hear directly from the Prophet. Or may we accept the possibility of Umar hearing the Prophet say such a thing, but we cannot reject a Thabit text except with a Thabit hadith too. We cannot refuse the *thabit* text with the abstruse. Therefore, the conclusion is none other than that Umar only denied Fatimah based solely on his personal opinion.

V. Because of the Difference of Opinion

The difference in opinions of scholars regarding the issue of housing rights for women who are irrevocable divorced from being pregnant is not due to their differences in understanding the Qur'anic verses on the one hand, and differences in their judgments about the hadith regarding the issue on the other, so that the consequences visible contradiction in the verses of the Qur'an and the hadith.

VI. Selected Analysis and Opinion

From the previous description of the discussion of the argument, there are several things that need to be questioned as material to be analyzed, before choosing opinions that are relatively closer to the truth. Things that need to be questioned are:

1. What is the position of the hadith that tells the story of Umar's rebuttal to the hadith Fatimah?
2. Is Fatima's hadith really authentic or not?
3. Does the letter at-Talak verse 1 and verse 6 really provide a general understanding in the sense of including the revocable divorce and irrevocable divorce or specifically the revocable divorce only?

1. About Umar's Hadith Umar's hadith contains a statement: a. Fatimah's hadith contradicts verse 1 of the At-Talak letter In the writer's opinion that the verse is more appropriate if it is addressed to the problem of women who are revocable divorced, not irrevocable divorced for the reasons:

- 1) By seeing the composition and series of verses as a whole and in full, not beheaded, fragmented. At the base of the verse it says "*If you divorce your wives then you should divorce*



them in the time of their iddah ...". What is divorce to? In this verse there is no mention of divorce; whether one, two or the third or three at a time. The answer can be found if this verse is connected with the following verse which is: "*You (husbands) count their iddah time*". For what is the husband ordered to count 'iddah time? The most important goal is to reconcile.

2) Then the verse "*You don't know maybe God made afterwards something new*". What is the meaning of "a new thing?" The commentators say the intention is the desire of the husband to reconcile, because there are regrets; I hate now.

3) Next it says "When they are near the end of their iddah, refer them well, or release them". With this verse, it is clear that the divorce done by the husband mentioned at the beginning of the verse is the revocable divorce, not the irrevocable divorce. Because if irrevocable divorce certainly can not be referred to again; Such understanding is based on al-Ruling with the meaning of reconciliation.

4) Understanding this verse, with the understanding for revocable divorce will feel more appropriate, if that understanding is associated with the cause of the verse decline. *Ash-Shabuni*, citing *al-Qurthubi*, *Fakhru ar-Razy* and *al-Alusi*, said that the verse was revealed because it was because the Prophet ^ﷺ divorced *Hafshah* with divorce and then the Prophet referred him back. This information is based on the hadith narrated by *Ibn Majah* from Umar Ibn al-Khattab. If the hadith narrated by Ibn Majah is true then there is an oddity in our minds. The peculiarity is seen that Umar reported that the verse was down because of the revocable divorce but why did Umar apply the verse to irrevocable divorce? Does the narration that tells Umar say: *la nad'u kitaba rabbina ...* that is not in doubt? Because the words that follow the history, "*sunnata nabiyyina*" are considered incorrect words as can be seen in the following description.

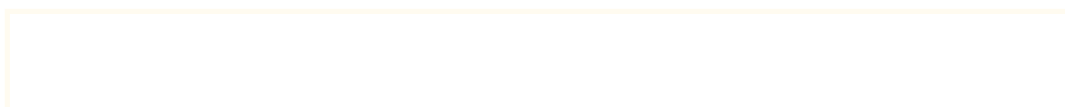
5) Regarding the words of Umar "*we do not live ... the sunnah of our Prophet ...*" shows as if Umar heard firsthand a decision from the Prophet as a Sunnah that must be followed on the issue of boarding rights for women who are irrevocably divorced. So thus the history of Fatimah is seen by some as opposed to the Sunnah.

In this matter, *Ash-Syaukani* commented that there was not a single Sunnah who opposed the words narrated by Fatimah. The existence of a history which states that Umar heard the Prophet say: "*laha as-sukna wa an-nafaqah*" is a history that is not true according to *ad-Dar al-Quthni's* account. According to him Fatimah's words were the Sunnah, which came from the Prophet. While the narration about Umar heard from the Prophet, is the narration through *Ibrahim an-Nakha'iy*. While Ibrahim himself never met with Umar because Ibrahim was born after Umar's death. So, this is a lie against Umar and the Prophet.

A similar comment was also made by *Ibn Hajar al-Asqalani* as follows: That the words "*sunnata nabiyyina*" were not "*mahfuz*", and perhaps even if Umar had said so then what he meant by "*sunnah*" was the law obtained from the results of understanding of the verse The Qur'an is not a specific sunnah from the Prophet.

While Imam an-Nawawi said that the words "*sunnata nabiyyina*" was an addition that was not "*mahfuz*"; narrators of narrators who *tsiqah* nobody said so.

So, if the hadith that tells about Umar is true, but in the opinion of the author, his position is



not strong enough to be held up as an argument for the reasons stated above.

2. Regarding the hadith Fatimah authentic or not authentic

Sharp criticism made by some parties comes from the history of Umar is not in line or contrary to the hadith Fatimah. That criticism has been refuted in the previous section. With the refutation of this criticism, perhaps there is no longer any doubt about the validity of the Fatimah Hadith, and perhaps to further reinforce the validity of the Fatimah Hadith it is worth mentioning some of the Ulama comments about the Fatimah hadith as follows:

a. *Asy-Syaukani*: Hadith Fatimah is an authentic and *sharih* hadith. Nobody claimed that Fatimah lied to the news she narrated; Fatimah was among the best female friends; he has a good memory. The proof he can memorize and narrate the hadith about the Antichrist which is quite long.

b. *Ash-Shan'ani*: This Hadith is a proposition which shows that women who are barred are not entitled to the means of housing and living. *Ibn Abbas, al-Hasan, Atha ', ash-Shay'bi, Ahmad, al-Qasim, al-Imamiyah, Isaac, Daud* and *Muhadditsin* used these traditions as propositions.

c. *Imam an-Nawawi*: Hadith Fatimah is a authentic hadith narrated by the hafiz and agreed upon by a narrator who is *tsiqah*.

d. *Ibn Hajar al-Asqalani*: Fatimah was one of the first women to migrate. He has good thoughts.

e. *Imam Shafi'i* uses the hadith Fatimah he received from Imam Malik to be the proposition to establish the law of women who are barred from being unqualified.

f. *Mahmud Muhammad Syaltut*, commemorating Imam Ahmad, said that the story of Fatimah was narrated from many *sanad*; and the scholars have made it as a basis for a number of legal provisions, and an-Nawawi mentions no less than 16 legal decisions based on scholars to the hadith Fatimah.

From the comments of the experts surrounding the tradition it can be estimated that the Fatimah's tradition seems to be used as an argument, especially after criticism from those who doubted it has been disputed, and perhaps it should be added that among the critics, there is found someone which uses the Fatimah Hadith as information to interpret the Qur'anic verses. Does this not support the statement made by *Syaltut* above?

3. Does the At-Talak verses 1 and 6 provide general understanding in the sense of including the revocable divorce and irrevocable divorce or specifically for the revocable divorce only?

If the verse is said specifically for revocable divorce then there is no problem anymore. However, if it is said to be general then there will be a conflict between the general verse and the specific Hadith.

Before the latter problem is answered, perhaps it is worth reviewing at a glance the opinion of the cleric about whether the verse is indeed general or specific.

a. *Al-Jashshash*: According to him the word of Allah "*askinuhunna*" includes all women who



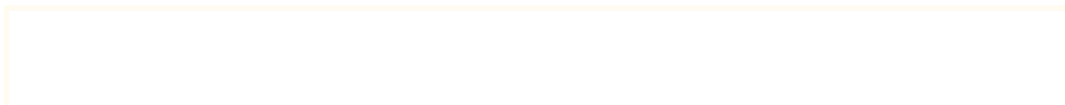
are barred and those who are revocable divorced. If you say: the verse "*askinuhunna ...*" and so on is only for revocable divorce because there is an argument that shows that is the word of God "*la tadri ...*" and so on and also "*fa iza balaghna*" and so on, then we answer as follows: What you say is indeed one of the meanings in the composition of the verse, but if you say it does not belong to irrevocable divorce because at the beginning of the khithab for revocable divorced, I think (*al-Jashshash*) nothing is being shown that shows in the verse. To understand the word of Allah "*askinuhunna*" is common, *al-Jashshash* gives a comparison. According to *al-Jashshash* the verse "*askinu*" is like the word of God: "*wa al-muthallaqat yatarabashna bi anfusihinna tsalatsata quru*". This verse has a general understanding; includes the revocable divorce and irrevocable divorce. The next Word of God "*wa bu'ulatuhunna ahaqqu bi raddihinna*" is specifically for revocable divorced. The specificity of this second verse does not become a barrier or influence the verse "*wa al-muthallaqat*" to provide general understanding, including the revocable divorce and irrevocable divorce.

b. According to Ibn al-Arabi, the revelation of a verse that mentions the law of revocable divorce is only until the verse "*zawa' adlin minkum*", then after that, all the laws apply to all women who are divorced. Because if the verse is true for revocable divorce, surely Allah will not mention again "*wa in kunna ulatu hamlin fa anfiq' alaihinna*". As for the revocable divorce, it is understood that she must be given a living, whether she is pregnant or not. So, if the verse is addressed to the revocable divorce, the verse "*wa in kunna ...*" and so on is meaningless. However, when Allah mentions the obligation of the housing rights, Allah mentions it in absolute form. But when Allah mentions the obligation to make a living, Allah relates it to the conditions of pregnancy, so that shows that those who are irrevocable divorced in a nonpregnant state are not given a living; then this verse gives a general understanding for all that is divorced.

According to the opinion of the writer, if the letter at-Talak verse 6, applies generally to all that is divorced, there is still another difficulty that is how *dhamir* (pronoun) "*hunna*" which previously *marji'* is revocable divorce, suddenly can turn into a woman who is irrevocable divorced? However, according to the opinion of the writer the verse is easier to understand if it is specifically addressed to *al-muthallaqat ar-raj'iyat*, because all *dhamirs* mentioned in the verse will be in harmony and in line with one another. Disconnecting the verse before "*zawa' adlin minkum*" with the one afterwards also does not have a strong reason, it can even result in *kalam* not *fashih*. Because by separating these verses, there will be mention of *dhamir* before there is a margin. Such matter results in *dha'fu al-ta'lif*; while *kalam* will be called *fashih* if it is released from *dha'fu al-ta'lif*.

But according to the opinion of the author of the verse "*askinuhunna ...*" and so on is an amount that lies in answer to questions arising from the previous *jumlah*. The *jumlah* referred to is: "*That is the command of Allah which is revealed to you, and whoever worries of Allah will surely cover up his mistakes and double his reward*" (Surat at-Talak verse 5)

Through verse 5 of this At-Talak letter, Allah commands that he perform acts of piety. Then the question arises: How do we commit piety in the matter of *al-mu'taddah*? The answer: "*askinuhunna ...*" and rivals, (you place them where you live).



With this last understanding, the At-Talak verses 1 to 6 constitute an entity that must not be separated. If the verses are inseparable, the *dhamirs* in the verses will return to the previous one in harmony, and naturally *dha'fu al-ta'lif* does not happen again. Such understanding will feel more fitting and not forced. However, humans do not know for sure which is true in *nafs al-amr*, because both opinions are the result of *ijtihad ulama*. So, if it is accepted that the verse 6 of the Surah al-Talak, specifically for the revocable divorce, then there is no problem anymore, because it does not contradict the Qur'anic verses with the Fatimah Hadith specifically to answer the problem of women in divorce; not entitled to housing rights. Even if verse 6 is accepted to give a general understanding, the best solution is to recite the publicity with Fatimah's hadith as its *mukhashshish*, so that with *takhsish* women who are irrevocable divorced are not entitled to housing rights because they are out of scope general verse, and now the provisions that are imposed on women who are irrevocable divorced are special provisions, which in this case is the hadith of Fatimah bint Qais which has been seen as authentic. On the basis of that *takhsish* too, the author tends to choose the second opinion.

VII. Conclusion

From the foregoing it can be seen that there are two opinions regarding the right to provide boards for women who are irrevocable divorced. The first opinion states that it has the right to get housing rights, while the second opinion states that it is not entitled. From these two opinions, the writer tends to choose the second opinion based on the *takhish* against the general proposition with a specific proposition

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