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THE DISCOURSE OF DRESS CODE IN ISLAMIC LAW

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Abstract: The discussion concerning dress code or clothing will always be closely related to the debate of aurat or 'awrah, as the clothing mainly serves to cover aurat. The 'awrah (in Arabic) or aurat (in Bahasa) is the parts of the body which must be covered with clothing. The boundary of the aurat in the Islamic jurisprudence (fiqh) study is associated with the prayer (salah), which is then ascribed to the boundary of the aurat beyond prayer, based on qiyas. The thinking framework of fuqaha' (the expert in Islamic law) in their attempt to cover the aurat of Muslim men and women refers to common terms, such as hijab, jilbab, khimar, dir sabigh and milhaf. Even though these terms do not represent the standard form and model of dressing, they are adequate to reveal the restriction of dressing based on Islamic teaching (shariah). The absence of a standard formulation for the form and model of Islamic dressing indicates that Islamic teachings are flexible for the discovery of ideal forms and models of clothing adhering to religious norms, ethics and moral teachings. Clothing is part of the cultural product as well as religious and moral requirements without denying the custom of society. The significance of dressing in Islamic teaching is the modest clothing following the values of manners and avoiding the act of tabarruj (inappropriate display of beauty), those who are clothed but naked.

Keywords: Dressing, Aurat, Islamic Jurisprudence (Fiqh)

Abstrak: Pembahasan tentang busana/pakaian akan senantiasa terkait erat dengan pembahasan aurat, karena fungsi utama pakaian adalah sebagai penutup aurat. Batasan aurat dalam kajian fiqh Islam dikaitkan dengan ibadah shalat, yang kemudian diaplikasikan kepada batasan aurat di luar shalat, berdasarkan qiyas. Landasan berpikir yang digunakan fuqaha' dalam upaya menutup aurat laki-laki dan perempuan muslim merujuk pada istilah umum seperti hijab, jilbab, khimar, dir sabigh dan milhaf. Meskipun istilah-istilah ini belum mewakili bentuk dan model busana/pakaian yang baku, tetapi mampu mengungkap batasan makna busana/pakaian dalam ajaran Islam. Tidak adanya rumusan baku tentang bagaimana bentuk dan model busana/pakaian islami mengindikasikan bahwa ajaran Islam memberi keleluasaan dalam menemukan bentuk dan model pakaian ideal yang tetap mengacu pada norma-norma agama, etika dan ajaran moral. Pakaian merupakan bagian dari produk budaya sekaligus tuntunan agama dan moral tanpa menafikan adat kebiasaan suatu masyarakat.

Kata Kunci: Pakaian, Aurat, Fiqh

Introduction

Nowadays, everyone focuses and expects on the implementation of Islamic Law (Shari'ah) in Aceh, especially in applying Islamic teachings to multiple aspects of life in the society, such as religious, moral/ethical, socio-cultural, political, legal, economic, and others related to the context. Principally, the purpose of the Islamic law (Shari'ah) as stated in some Shari'ah Qanun (law) in Aceh is the management of human affairs in the worldly and hereafter life, the individual life, as well as the society and nation life. In particular, the primary content of Qanun No. 11, the Year 2002, concerning the implementation of Islamic law (Shari'ah) in the field of Islamic creed, worship and Islamic signs (syiar). This qanun tries to classify further and elaborate the regional regulation No. 5, the Year 2000, about the implementation of Islamic Law (Shari'ah). Article 13 of this Qanun establishes the rules of Islamic dress code, the clothing covering the *aurat* (the parts of the body which must be covered); it should not be see-through nor revealing the curves of the body.¹

In reality, the implementation of Islamic law (shari'ah) in the field of Islamic creed, worship and Islamic signs or symbols (syiar), specifically concerning Islamic dress code is hindered by the tendency of people to follow the global culture as an identity of promiscuity, following the trend that violating the religious, social and cultural ethics. Many events degrading of the religious and cultural values in dressing that was used to be highly valued by the community are found. These lead to a generation without religious values and moral teachings. In contrast, the core of Islamic teachings is none other than the embodiment of the Islamic creed.² It teaches that there is a guarantee of life, including the welfare and social relations among human being.

These phenomenon has recently triggered the discussion about Islamic dress code/clothing to find the appropriate form and model of Islamic that adhere to the substance of the actual Islamic teachings. This debate is reasonable, considering that attire is one of the complex social and political dynamics in Muslim societies. Sometimes, this practice is used as the identity affirmation or a form of social protest toward the degradation of Islamic culture. This is indicated by the fuqaha (experts in Islamic law) who distinguishing the type of clothing used by a Muslim based on his social status.³

On the other hand, there is no standard form and model of Islamic dress code/ clothing

- 1 The office of Islamic law [Dinas Syari'at Islam] of the Nanggroe Aceh Darussalam Province, *Qanun of Nanggroe Aceh Darussalam Province No. 11 Year 2002 Concerning the Implementation of Islamic Law in the Field of Islamic Creed, Worship, and Signs or Symbols (Syiar)* (Dinas Syari'at Islam 2002); Rusjdi Ali muhammad, 'The Role of Wilayah Al-Hisbah In the Implementation of Islamic Shariah in Aceh' (2017) 2 *Petita : Jurnal Kajian Ilmu Hukum dan Syariah*. known also as sharia police in Aceh, plays important roles in implementing Islamic law in Aceh - Indonesia. In one hand they must act professionally based on Islamic principles, unfortunately their future career is still unclear. In national level there are no clear regulations mentioning the WH career path. This consequence lead to the professionalism of WH. Most of them will switch their career to another career, having clear future career. For the time being, in WH office will hard to get higher position. In national level, the career of WH does not have a stepping stone. Thus, most of government officer will chase other positions after five years. This fact have affected the implementation sharia law in Aceh Indonesia, caused by lack of WH officer in every years. Abstrak: Wilayah al-Hisbah (WH)
- 2 KH. MA. Sahal Mahfudh, *Nuansa Fiqh Sosial* (LKis 1994). page. Xxxii; Ratno Lukito, 'Shariah And The Politics Of Pluralism In Indonesia: Understanding State's Rational Approach To Adat And Islamic Law' (2019) Volume 4 *Petita : Jurnal Kajian Ilmu Hukum dan Syariah*.
- 3 Differentiation of clothing types based on social status, at least for women, and illustrating the differences between certain female classes. For example, classic literature discussed the hadith of the prophet, mentioned that the Prophet prayed with one tsawb (clothing) around his shoulders and covering his front and back (layukhalifu bayna tharafayn 'ala 'atiqih). Another hadith explained that it is better to pray using two pieces of clothing, one is worn to the hip (izar) and another is worn to the shoulders (rida'). Abu Bakr 'Abd Allah ibn Muhammad Ibn Abi Syaybah, *Al-Kitab Al- Mushanaf Fi Al-Ahadis Wa Al-Atsar* (Dar al-Kutub al-Ilmiyyah 1995).

established by the fuqaha'.⁴ In a more specific context, this issue is discussed in classical legal sources in the chapter related to prayer. The fuqaha', Islamic law experts, discuss which body parts of female and male that should be covered when praying. Here, then, the discussion related to the issue of aurat (intimate parts that must be covered by clothing) starts. In prayer, both Muslim men and women must cover their entire aurat, or cover the parts that are by law considered as the aurat of human. The aurat in prayer may also become the aurat outside the prayer. In other words, the compulsory covered parts in prayer must also be covered outside the prayer.⁵

As Qanun no.10 concerning the Islamic creed, worship and signs or symbols (*syiar*) has become a positive law, like other laws, it should be treated as Islamic regulation (*shari'ah*) that must be obeyed and implemented, like the laws in other fields whose provisions are still binding on the subject of law. However, sometimes, its implementation encounters theoretical issues. In this case, there is no standard format of the shape and model of dressing/clothing in Islamic jurisprudence studies.

Research problem

Based on the problems previously elaborated, the clarity of the moral teaching and ethics related to dressing is required as the reference for the Acehnese people. If the form of dressing and clothing is unclear, theoretically, the efforts to minimize inappropriate dressing, that is not in line with Islamic teachings, will not benefit the efforts to achieve the effectiveness and efficiency of the Islamic law enforcement. Furthermore, the clarity about the form and model of the Islamic dress code seems to be necessary to avoid unproductive debate. Therefore, this study proposed two research problems: (1) what is the concept of Islamic dress code/clothing from the perspective of fuqaha'?, and (2) what is the foundation of fuqaha' in seeking and discovering the standard form for Islamic dress code/clothing?

Aim of the study

Following the research problems, this study aimed to elaborate the type of dressing/clothing explained in the Qur'an, hadith as well as to examine the views and opinions of fuqaha' concerning the clothing in Islamic jurisprudence studies.

Practically, it is hoped that the results of this study can contribute to the clarity of the standards dress code/clothing to be implemented in the modern society that adapts a global idea upholding the human rights. Besides, the results can also serve as the reference for experts who concern on observing the dynamics of Islamic law development. The results can be further analyzed to formulate regional regulations on the form and model of Islamic clothing.

The Boundary of *aurat* in Islamic jurisprudence (*Fiqh*)

In Arabic, the term awrah' means something defective or disgusting. Meanwhile, the term awrah' refers to the body parts that must be covered when praying, except the face and palms.⁶ This definition is general for both Muslim men and women. In several books related

4 In a number of studies related to fiqh literature, no specific discussion concerning the shape and model of clothing was found. The fuqaha' focused their study on the issue of' aurat and hijab. The fuqaha' only mentioned the types of clothing in the Qur'an and hadith while interpreting the terms used in the both sources by citing the opinions of the companions and mufassir

5 Check the discussion of prayer chapter such as in Islamic jurisprudence literature. Such as; Ibnu Rusyd, *Bidayat Al-Mujtahid. Jilid I, t.Tp.: Maktabah Wa Matba'ah Taha,;* Al-Sayyid Sabiq, *Fiqh Al-Sunnah* (Jilid II, Dar al-Fath Li l'lam al-'Arabi 1996); Wahbah al-Zuhayliy, *Al-Fiqh Al-Islami Wa Adillatuh* (Juz VII, Dar al Fikr Al Mu-'asir 2002).

6 Ibnu Muflih, *Al-Mubdi' Fi Syarh Al-Muqni'* (Jilid I, Maktab al-Islami 1974).

to Islamic jurisprudence (fiqh), the fuqaha' (the Islamic law experts) study the problem of the awrah when discussion the prayer. This practice is reasonable, considering that the specific explanation about awrah is not established well in the hadith. However, this does not mean that issue related to awrah' is not the primary concern of fuqaha', they determine that the awrah' of Muslim, all body parts except the face and palms, must be covered.⁷ This adheres to the words of Allah SWT in the Quran, surah An-Nur, verse 31. Translation: And tell the believing women to reduce [some] of their vision and guard their private parts and not expose their adornment except that which [necessarily] appears thereof and to wrap [a portion of] their headcovers over their chests and not expose their adornment except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers, their brothers' sons, their sisters' sons, their women, that which their right hands possess, or those male attendants having no physical desire, or children who are not yet aware of the private aspects of women. And let them not stamp their feet to make known what they conceal of their adornment. And turn to Allah in repentance, all of you, O believers, that you might succeed.

Al Qurthuby interpreted the above verse that a woman should not display her jewelry or beauty except the ones allowed in the verse to prevent "slander". Al Qurthuby argued that there is disagreement concerning the exception. Ibn Mas'ud argued that what can be seen is the clothing. Ibnu Jubair added the face of the woman. Furthermore, Sa'id bin Jubair, 'Atha' and Al Auzai'y added the two palms. Therefore, it is allowed to show the face, the two palms and the clothing. Ath Thabary excluded the face and hands up to the middle of the sleeve as female *aurat* referencing on the hadith of Qatadah and 'Aisha narrated that the Messenger of Allah said:⁸ Translation: "It is unlawful for a woman who believes in Allah and the resurrection day to show (their body) except their face and hands when she has reached the age, and then he held his middle arm".

Abu Bakar al-Jashshash understood the sentence of (do not not expose their adornment), "*wa laa yubdiina mahalla ziinatahunna*", as they should not reveal the body parts where they wear jewelry.⁹ Besides, scholars have different opinion in understanding the pronunciation of *istitsna* '(illa) in the sentence. (do not expose their adornment except that which necessarily appears). The difference occurs related to the pronunciation of *illa*, whether it refers to certain body parts, or the entire body should not be seen. Some fuqaha' argued that *illa* in the verse includes all body parts as *aurat*.¹⁰ Their argument is based on surah Al-Ahzab verse 59: Translation: O Prophet, tell your wives and your daughters and the women of the believers to bring down over themselves [part] of their outer garments. That is more suitable that they will be known and not be abused. And ever is Allah Forgiving and Merciful.

Meanwhile, other fuqaha argued that *istitsna*' refers to specific body parts only. In other words, there are body parts that can be shown, such as the face and two palms. This argument follows the opinion of the prophet's companions, such as Aishah, Ibn Abbas, and Ibn Umar¹¹. Ibn Jarir Ath-Thabary (w. 310 H) evaluated this argument and concluded (in his *Jami' Al-Bayan fi Tafsir Al-Quran*, Quran interpretation) that the correct case is that *istitsna*' refers to specific body parts only, except for the face and two palms. Imam Ath Thabary, as quoted by Al-Qurthubi¹², extended the exclusion of female *aurat* to the face

7 Ibnu Rusyd (n 5).

8 Imam Al-Qurthubi, *Al-Jami' Li Ahkam Al-Qur'an, Juz XII* (Juz XII, Dar al-Ilmiyah 1993).

9 Abu Bakar al-Jashshash, *Ahkam Al-Qur'an, Juz III* (Dar al-Ilmiyah 1994).

10 Ibnu Rusyd (n 5). Muhammad Nashiruddin Al-Albani, *Jilbab Wanita Muslimah Menurut Al-Qur'an* (2001).

11 Ibnu Rusyd (n 5).

12 Imam Al-Qurthubi (n 8).

and hands up to the middle of the arm.

The male and female *aurat* when performing the prayer covers all body parts except for the face and palms. The scholars refer to the meaning of the verses of the Koran as the basis for the scholars to justify the boundary of the *aurat* in prayers. Further analysis of the boundary of private parts mentioned in the verse above shows that the fuqaha' seem to address to female *aurat*, by not denying the male *aurat* in praying. Thus, what are seen from a woman are the face and two palms, the two body parts that are commonly showed by Muslim women in the worship activities, such as pilgrimage and prayer. These two body parts were usually seen in the time of the Prophet Muhammad PBUH, when the verses of the Qur'an were revealed.¹³ In addition, another reason for that all female body parts are *aurat* except the face and two palms is the saying of the Prophet Muhammad PBUH to Asma' bint Abu Bakr:

Translation "O Asma', when a woman reaches the age of puberty, nothing should be seen of her except this and this", and he pointed to his face and hands (HR. Abu Dawud).

On the other hand, the boundary of male *aurat* is from the navel to the knees. This opinion refers to Imam Abu Hanifah, Imam Malik and Imam Shafi'i.¹⁴ There are different arguments due to the differences between the hadiths, which are both *shahih* (authentic).

1. Hadith narrated by Jurhud ra (may Allah be pleased with him):

Translation: the prophet PBUH said; "Thigh is aurat".

2. Hadith narrated by Anas:

Translation:...that the prophet revealed his thigh when he sat with his companions.

The Islamic jurists refer to the evidence in the Qur'an and the above hadith as legal basis regarding the boundary of *aurat*, especially for female, whereas the limit of the female and male *aurat* outside of the prayer (in daily activities) are specifically discussed by classical legal sources, especially in the chapter of prayer. Then, the discussion of *aurat* (private body parts that must be covered with clothing) starts.

When praying, Muslims (men and women) must cover all their *aurat*, or cover the body parts that are considered *aurat* by Islamic law. What is considered *aurat* when praying may also become the *aurat* outside the prayer. For example, a man is obliged to cover the body parts between the navel and the knee both in and outside the prayer. However, the minority of scholars argued that male *aurat* covers the groin and buttocks only.¹⁵ The female *aurat* is more complex as previously discussed, all-female body parts are included except the face and palms.¹⁶ Concerning the female *aurat* outside the prayer, The scholars of Hanafiyah, Malikiyah, and some Syafi'iyah argued that female *aurat* to be covered are the entire body except the face and the palms. However, Imam Hanafi and Imam Malik

13 Taqiyuddin An-Nabhani, *An-Nizham Al-Ijtima'i Fi Al-Islam* (cetakan ke, Dar al- Ummah 1990).

14 Ibnu Rusyd (n 5).

15 Review the interpretation of the hadith of Juhud above.

16 Specifically, the *aurat* of female slaves. They are allowed to pray with their hair uncovered. This opinion was rejected by Ibn Hazm who argued that the hadith affirmed that the verses related to hijab in the Qur'an do not distinguish the *aurat* of the free female or slave. Ibn Hazm agreed all male and female have the same *aurat*, regardless their status. Ahmad Zain al-Din bin 'Abd al-'Aziz al-Ma'bari al-Malibari al-Fannani Al-Syafi'i, *Fath Al-Mu'in Bi Syarh Qurrah Al-Ain Bi Muhimmāt Al-Din* (Dār ibn Hazm 2004). Ibnu Hazm, *Al-Muhalla Bi Al-Atsar* (Jilid II, Dar al-Kutub al-'Ilmiyah), 239.

explained that other than the face and palms, both calves can be shown. On the other hand, the Imam Hanbali had a more strict opinion that the entire female body parts, including both palms, are aurat. The only part that allowed to be seen is the face.¹⁷ Even though the views related to the boundary of female and male aurat were varied, the fuqaha' agreed that covering is compulsory. Thus, the prayers of those who do not cover the aurat during the prayer are invalid.¹⁸

The Foundation of Thinking Concerning Dressing/Clothing in Islamic Jurisprudence (Fiqh)

In the literature related to Islamic jurisprudence, the discussion of dressing/clothing is associated with several terms, such as hijab, khimar, dir sabigh and milhaf.¹⁹ Hijab is anything covering the private body parts. The Quran also reveals the cover of a woman as a hijab, meaning a general covering as mentioned surah Al-Ahzab verse 58, that was instructed to the companions of the Prophet PBUH. They were asked to take something from the wives of the Prophet PBUH, and they asked it behind the hijab (cover). The use of term 'hijab' as clothing, that means the cover of the body, was originated from understanding of the two hadith narrated by Abu Daud and Ibn Khuzaimah,²⁰ the comparison of surah An-Nur verse 31 and surah Al-Ahzab verse 33, and some jurisprudence scholars' views concerning the females obligation to cover their aurat.

Jilbab refers to the clothing larger than the *khimar*, usually used to cover women' head and chest, but it can also cover the entire body. Sometimes, *jilbab* is used as a synonym of *khimar* or *izar*.²¹ In the Arabic spoken dictionary, *khimar* is clothing that usually covers the women's head.²² In addition, Qur'an defines *khimar* as a veil (Surah An-Nur verse 31). In this verse, women are instructed to cover their chest and neck with a long veil. Muhammad Syahrur argued that the *khumur* is plural, the singular is *khimaar* that means a cover, not just a headcover. Therefore, Allah decrees women to cover all body parts that are the adornment of women, except for the eight groups: the husband, father, children of the husband, children, siblings, and the children of their brothers and sisters.²³ *Dir sabigh*

17 Abd al-Rahman al-Jaziri, *Al-Fiqh 'Ala Mazahib Al-Arba'ah* (Dar al-Hadis 1994), 47.

18 The school of Hanafi and other fuqaha' (scholars) of other schools distinguished between *faridhah* and *wajib*. However, the majority of the fuqaha did not differentiate the two. Muhammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Islamic Texas Society 1987), 321, 324-325. See also, Matthew J Nelson, 'Indian Basic Structure Jurisprudence in the Islamic Republic of Pakistan: Reconfiguring the Constitutional Politics of Religion' (2018) 13 Asian Journal of Comparative Law 333; compare with, Justin Desautels-Stein, *The Jurisprudence of Style: A Structuralist History of American Pragmatism and Liberal Legal Thought* (Cambridge University Press 2018); Heidi M Hurd (ed), 'Perplexities in Jurisprudence', *Moral Puzzles and Legal Perplexities: Essays on the Influence of Larry Alexander* (Cambridge University Press 2018).

19 A full explanation of the terms above will be presented when discussing the style of clothing for women in special and public places Abi al-Hasan 'Ali bin Muhammad bin Habib al-Mawardi al-Basri, *Al-Hawi Al-Kabir Fi Fiqh Mazhab Al-Safi'i Syarh Al-Mukhtasar Al-Muzani* (Juz 13, Dar al-Kutub al-'Ulumiyah 1994), 169; Al-Ramli, *Nihayat Al-Muhtaj* (1992), 13-14.

20 The first hadith narrated the arrival of Asma bint Abu bakar to the Prophet's House in thin clothing. The Messenger of Allah (may peace be upon him) turned and said: "O Asma', when a woman reaches the age of puberty, nothing should be seen of her except this and this", (and he pointed to his face and hands). The second hadith described the adult female dressing in performing the prayer, the necessity of wearing a khimar.

21 Abu al-Fadl Jamal al-Din Muhammad Ibn Makram Ibn Manzhur, *Lisan Al-'Arab* (Dar Sad), 272-273.

22 *ibid*, 257.

23 Muhammad Syahrur, *Al-Kitab Wa Al-Qur'an: Qira'ah Mu'asarah* (Sina li al-Nasyr wa al-Ahalli 1992),

usually refers to loose clothing covering the person's body up to the feet²⁴, while *milhaf* is a blanket used to cover other clothes.²⁵

Al-Shan'ani claimed that the Prophet PBUH once said that free Muslim females who have had period must wear khimar. Otherwise, their prayers will not be accepted.²⁶ The word period is used as a reference for maturity or adulthood. Immature women are not subject to this obligation.²⁷ In another hadith, it is mentioned that a good dir must be long and loose to cover up to the women's legs, but it is not enough without the khimar.²⁸

Of the Indonesian scholars, Prof. Dr. Quraish Syihab has somewhat liberal thoughts about the hijab. He stated that²⁹:

- The issue of hijab is a khilafiah problem
- The verses of the Qoran concerning women's clothing have various interpretations.
- The legal provision of the tolerable boundary of female aurat is zhanni.
- The differences of jurists' view on hijab are in the context of the era situation era and the society as well as reasoning considerations. They are not the law of Allah that clear, precise and firm.

The view of the Quraish Shihab lead to the understanding that the concept of "female aurat" in Islam is "conditional", "local" and "temporal." Many disagree with the Quraish Shihab' conclusion that the hijab is a *khilafiah* issue. Female aurat that is the entire body, except the face and palms has been firmly established in the Quran. The scholars never debate this issue. However, the different opinions are concerning whether the face and palms have to be covered?. Some say they must be covered, others believe they can be seen, as previously noted.

In the era where the pornography and porno-action culture attack the community, while at the same time the trend of headscarves wearing among Muslim women is emerging, many argue that Prof. Quraish Syihab view on hijab is not wise. Prof. Quraish Shihab said that although he persists with his opinion that the jilbab is not mandatory but a suggestion, he claimed to encourage his family to wear it. He also hoped that Muslim women who have practiced the jilbab not to remove it due to his opinion necessarily. He also emphasized jilbab remain obligatory in a 'women prone area'. His action is contradictory because this means that Prof. Quraish Syihab published his opinion not to be followed. The next question is that why would he issue such an opinion?. Therefore, it would be better if we follow the opinions supporting that jilbab is an obligation.

The Form and Model of dressing/clothing in Islam

Although the Quran does not specify specific models and forms of clothing for men and women, it does not mean that they can be chosen without regarding the moral and ethical teachings. The previously discussed terms may be used as the basic references in determining the model and style of the clothing. The Islamic law (Shari'ah) does not specify a specific form or model of clothing to cover female aurat because it is the freedom of every individual to choose. The evidence in Quran and hadith mentions it as "*wa laa yubdiina*" (and do not show) in Quran surah An-Nur verse 31 or the saying of the Prophet

606-607.

24 Abu al-Fadl Jamal al-Din Muhammad Ibn Makram Ibn Manzhur (n 21), 81-82.

25 ibid, 314.

26 Al-Shan'ani, *Al-Mushannaf* (al-Maktab al-Islami 1983), 130-131.

27 ibid, 132.

28 *Wawasan Al Quran* (Cet ke 11, 2000), 179.

29 Al-Shan'ani (n 26), 128.

“*lam yashluh an yura minha*” (do not reveal his/his body) (narrated by Abu Dawud). The clothing covering the entire aurat except the face and palms is considered to be adequate, regardless of the shape. Wearing a daster (home dress) or a long garment is included as being covered. Furthermore, trousers, skirts, and t-shirts can also cover the aurat as long as it is loose.

Thus, every form and type of clothing that can cover and does not show the *aurat*, is considered as an adequate cover for the private parts, regardless of its shape, type, or the like. The model in this term is often referred to as the *khimar*, or *jilbab*. However, Islamic law (*shari'ah*) requires the clothing so to cover the skin without exposing it. This view was originated from the hadith narrated by Aishah that Asma` bint Abubakar had entered the Prophet's room wearing thin or transparent clothing and the Prophet PBUH turned around and said:

“O Asma’, when a woman reaches the age of puberty, nothing should be seen of her except this and this”, and he pointed to his face and hands (HR. Abu Dawud).³⁰

The Messenger of Allah PBUH considered that the thin clothing did not cover the *aurat*; instead, it showed the *aurat*. Thus, the Prophet PBUH turned and ordered Asma' to cover her *aurat* by wearing clothing that could cover her skin. This argument is reinforced by the Hadith narrated by Usamah bin Zaid, that the Prophet asked him about the *qibtiyah* (thin clothing) that Prophet PBUH had given to him. When Usamah replied that he had given the garment to his wife, the Messenger of Allah PBUH said:

‘Ask your wife to put on the slip dress under the qibtiyah because I am worried that her curves will show.’³¹

This hadith indicates that shariah has established what must be covered, namely, the clothing covering the skin. Therefore, women must cover their *aurat* with the dress that is not thin so that it will not illustrate the curve behind it.

In short, a women wearing a pair of long pants and a blouse may be considered to cover her *aurat*. However, if the clothing exposes the body parts, it does not mean that the attire can be used in front of a non-mahram male. This is called *tabarruj* رابن, showing the adornment and beauty of the body to stranger male or non-mahram male.³² Even though, she has covered her *aurat*, she has committed *tabarruj* and it is forbidden in Islamic law.

The reference concerning a clothing, like *jilbab*, as a garment in public is the hadith narrated by Umm 'Athiyah ra (may Allah please with her), saying:

“The prophet ordered us, women, to exit (towards the field) at the feast of Eid al-Firt and Umm 'Athiyah said, ‘one among us has no hijab’. Then the Messenger of Allah replied ‘Let her sister lend a hijab to her’” (narrated by Muttafaqun 'alaihi).³³

The hadith related to Ummu 'Athiyah illustrates that *Jilbab* is a clothing covering from neck to foot, that should be worn by women when leaving the house, while wearing a *khimar* the top clothing covering head to chest .

Jilbab is usually not shaped but it extends down to cover both feet, as explained in the word of Allah Almighty (*yudniina 'alaihinna min jalabibihinna* = let them extend their *jilbab*). The word “*yudniina*” means *yurkhiina ila asfal* (extending to the bottom or feet). This

30 Hadis riwayat Abu Daud, lihat Al Qurthuby, Juz 12, 229.

31 HR. Ahmad dan Al-Baihaqi, Adh-Dhiya, *al-Ahadis al- Mukhtarah*, Juz I hlm. 441; Al-Albani, 2001, 135.

32 Taqiyuddin An-Nabhani (n 13).

33 The above hadith is cited in Muhammad Nashiruddin Al-Albani (n 10), 93.

interpretation, that *idnaa`* means *irkhaa` ila asfal* - is reinforced by the hadith narrated Ibn Umar. He said that the Messenger of Allah PBUH said:

"Whoever allows his garment to drag out of pride, Allaah will not look at him on the Day of Resurrection." Umm Salamah said: "What should women do with their hems? (bi dzuyulihinna)" He said: "Lower (yurkhiina) it a handspan (syibran)" She said: "Then their feet will show." He said: "Let them lower it a cubit (fa yurkhiina dzira`an), but no more than that." (At-Tirmidzi).³⁴

The hadith shows that in the Prophet era, an outer garment, worn by women other than the home dress, was the kind of jilbab that cover up to the feet. The previous descriptions indicate that it is necessary to clarify the current assumption of Muslim female dressing. The essence of Muslim female clothing is covering the *aurat* only, while the style, such as long dress, blouse or pants, are not considered to contradict the Islamic teachings. This assumption leads to individuals being confidence wearing a blouse or jeans as it has covered the *aurat*. They think they have worn Islamic clothing correctly when covering their *aurat*, even though they are essentially "half-naked".

Such view will be extremely difficult to prove, as Islamic teaching has established the requirement of Islamic dress code or clothing in public. It has been explained in the Qur'an and the sunnah (based on hadith and the prophet teaching). Covering *aurat* is one of the Islamic dressing requirement in public. The other condition is that the dressing or clothing must not be created from see-through garments or show the body curves. When the clothing covers the *aurat* but shaping the body curves and being made of transparent garment material, it is not accepted as the Islamic dressing as per Islamic teaching. This fact should be emphasized. Thus, the design, model and style of dressing or clothing must strictly adhere to the teaching of the Qur'an and the Sunnah, upholding the religious, ethical, moral and local norms.

Conclusion

Based on the data in this study, the discovery of models and forms of dressing or clothing in Islamic jurisprudence study (*fiqh*) remains abstract. The literature related to Islamic jurisprudence revealed that the discussion concerning dressing or clothing is very simple. In other words, the *fuqaha'* (the jurisprudence scholars) only explained the form and characteristics of clothing as recommended by the Qur'an and the hadith of the Prophet PBUH. However, the Quran and hadith do not specify the particular clothing model and form. It is indicated by some interpretation of the verses of the Quran concerning clothing. In addition, the *fuqaha'* have not agreed on the standard format or form of clothing.

The Islamic jurisprudence studies show that the issue of the form and model of clothing is flexible and dynamic, following the religious, ethical, moral and customary norms. *Jilbab* and *khimar* are the forms and models of clothing that have been established in the Islamic teaching. *Jilbab* covers the entire body except for the face and palms and *khimar* is the headcover extended to the chest. Everyone is free to decide on the styles of *jilbab* and *khimar*, according to the religious, ethical, moral and customary norms. However, it is possible to conclude a simple reference to female dressing based on Islamic law:

1. Covering all body parts except for the face and two palms (in a hadith it is broadened to *nishfu dzira'*).
2. It is not tight and shaping the body curves
3. It is not too thin, so that shows the colour of the skin

³⁴ Juz III Sunan at-Tirmidzi, *Sunan At-Tirmidzi* (Juz III, Dar al-Kutub al-'Ilmiyah), 47.

4. It is not similar to male clothing.
5. It is not intended for showing off that leads to *tabarruj*

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