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A COMPARATIVE STUDY OF THE FIQH APPROACH TO THE HADITH ON MENSTRUATION

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Abstract

Menstruation is a woman's nature that cannot be avoided and is closely related to her daily worship activities. Menstruation is a very complicated discussion because the blood that comes out of each woman is different. Therefore, it is an obligation for a woman to learn about the law of menstruation, because learning things that are a condition for the validity and invalidity of an act of worship is fardhu 'ain. Therefore, the author is interested in researching how a comparative study of the fiqh approach in the hadith about menstruation with the aim of providing understanding and also becoming one of the references for women in understanding the problem of menstruation which is reinforced by shar'i arguments and the opinions of the scholars of the four madhhabs who have been recognised for their scientific capabilities. This study uses the library research method to analyse it and collect some literature then understand and analyse systematically and can synthesise the literature. The findings obtained are that the scholars of the fiqh madhhabs differ in several respects, including differences in defining menstruation, the age of women who experience menstruation, and the details of the prohibition of women who are menstruating. The difference

is also based on a different understanding of the hadith that is used as a benchmark.

Keywords: women, menstruation, fiqh madhhab, hadith

Abstrak

Haid adalah kodrat wanita yang tidak bisa dihindari dan sangat erat kaitannya dengan aktifitas ibadahnya sehari-hari. Haid merupakan pembahasan yang sangat rumit karena darah yang keluar dari setiap wanita itu berbeda. Maka dari itu sudah menjadi kewajiban seorang wanita mempelajari mengenai hukum haid, karena mempelajari hal-hal yang menjadi syarat keabsahan dan batalnya suatu ibadah adalah *fardhu 'ain*. Oleh karena itu penulis tertarik untuk meneliti mengenai bagaimana studi komparatif terhadap pendekatan fiqh dalam hadis tentang haid dengan tujuan bisa memberikan pemahaman dan juga menjadi salah satu rujukan bagi wanita dalam memahami masalah haid yang diperkuat dengan dalil-dalil *syar'i* dan pendapat para ulama' empat madzhab yang telah diakui kapabilitas keilmuannya. Penelitian ini menggunakan metode *library research* untuk menganalisisnya dan mengumpulkan beberapa literatur kemudian memahami dan menganalisa secara sistematis serta dapat mensintesis literatur. Temuan yang didapatkan adalah bahwa ulama' madzhab fiqh berbeda pendapat dalam beberapa hal di antaranya yaitu perbedaan dalam mendefinisikan haid, usia wanita yang mengalami haid, serta perincian larangan wanita yang sedang haid. Perbedaan itu juga di dasarkan pemahaman yang berbeda mengenai hadis yang dijadikan sebagai patokan.

Kata Kunci: wanita, haid, madzhab fiqh, hadis

Introduction

Islam is a religion that elevates the status of a woman. Even in the family, a woman who has become a mother must be honoured more than the father. Historically, women were ostracised and devalued in both the family and society. Especially during the Jahiliyya period, women were

not only ostracised but also treated inhumanely (Rahmatullah, 2013). It was only after the arrival of Islam that this treatment gradually began to erode and disappear.

Women are a person who is in direct contact with the education of a child. So that the progress and development of a child's education is greatly influenced by the work of a mother. Therefore, there is no reason for women not to equip themselves with knowledge, especially knowledge that is in direct contact with themselves in an effort to maintain the continuity of relationships in accordance with the rules of shara'. Whether with children, family, society, even with Allah.

It is an obligation for a woman to learn about the laws of menstruation. Menstruation is a very complicated discussion because the blood that comes out of each woman is different. Moreover, for women, learning the fiqh of menstruation is fardhu ain in the sense that all women must know the provisions of menstruation in detail (Tim Penyusun LBM, 2015). As for men, learning fiqh of menstruation is fardhu kifayah because menstruation is not directly related to worship activities for them. However, this does not mean that it is not important for men, because men have more potential as educators.

Menstruation is a woman's nature that cannot be avoided and is closely related to her daily worship activities. As Allah's Word in surah al-Baqarah verse 222 (Hendra 2012).

وَيَسْأَلُونَكَ عَنِ الْمَحِيضِ قُلْ هُوَ أَذَى فَأَعْتَزِلُوا النِّسَاءَ فِي الْمَحِيضِ وَلَا تَقْرُبُوهُنَّ حَتَّىٰ يَطْهُرْنَ فَإِذَا تَطَهَّرْنَ فَأْتُوهُنَّ مِنْ حَيْثُ أَمَرَكُمُ اللَّهُ إِنَّ اللَّهَ يُحِبُّ التَّوَّابِينَ وَيُحِبُّ الْمُتَطَهِّرِينَ

They ask you about menstruation. Say: "Menstruation is an impurity". So abstain from women during their menses, and do not approach them until they are pure. When they are pure, then mix with them where Allah has commanded you. Verily, Allah loves those who repent and loves those who purify themselves.

And the Prophet's hadith

إن هذا شيء كتبه الله على بنات آدم

Verily, this is something that Allah has ordained for the women of the children of Adam (H.R Muslim) (Lidwa Pusaka, n.d.).

During the Jahiliyyah period, menstruation was regarded as something disgusting. The Jews (Engineer, 2000) when they learnt that their wives were menstruating, they treated their wives inhumanely, ranging from not wanting to eat and sleep together to even expelling them from the house. Meanwhile, the Christians had intercourse with their menstruating wives. This prompted the Companions to ask about the rulings of menstruation, so the above verse was revealed.

Previously, there were many writers who studied menstrual blood. Among them is research conducted by (Mulyana, 2023) entitled; "Wahbah Az-Zuhaili's View of the Meaning of Menstruation Viewed from the Perspective of Feminism". In his writing, the researcher only explained that Wahbah Az-Zuhaili interpreted menstruation as dirty blood, but this statement received criticism from Indonesian Muslim feminism, which according to them menstruation is an adza (disease) that affects the physical and psychological state of women. In this case, globally the author only describes the meaning of menstruation without further discussing the hadiths about menstruation.

In addition, the journal entitled "Menstruation in Hadith Review" written by (Rahmatullah, 2013) provides an explanation that menstruation is a biological cycle given by God to women. then the author takhrij the traditions related to menstruation after that relates the hadith to women's justice. This research has indeed included hadith about menstruation in its writing, but it has not explained how the fiqh approach in understanding hadith about menstruation.

Therefore, in this article, the author will examine how the fiqh approach in the perspective of menstrual traditions related to the difference between menstrual blood and istihadhah, how old women bleed, the laws and prohibitions surrounding menstruation.

This research utilises qualitative research methods that focus on a comparative study of fiqh approaches to the hadith about menstruation. This article utilises the literature research study method that can answer the problem formulation based on previous research. A literature research study is a research that is carried out by utilising existing facilities in the library; books, journal articles, and other documents to explore information about menstruation (Anggito, 2018).

The steps used by researchers are as follows; collect some literature then understand and analyse systematically and can synthesise the literature. In collecting literature data, the researcher first makes observations and also observations in the form of writing then the writer tries to approach it with the issues raised.

Menstruation in History

In the Majlis ilmu led by Ustadz (Syahriar, 2023) he explained the history of menstruation. Among other things, history in ancient Egypt, menstrual blood was considered a poison. This is evidenced by an experiment conducted by shamans at that time. They planted some seeds and then some seeds were watered with menstrual blood and other seeds were watered with plain water. The seeds that were watered with menstrual blood could not grow and develop properly and even died. However, the seeds that were watered with plain water grew and developed as they should. From this they concluded that menstrual blood contains poison, even more radically they also considered the body of a woman who died during menstruation to contain poison. Therefore,

they avoided menstruating women and even ostracised them. This belief has persisted in their beliefs for centuries.

Jews, on the other hand, do not recognise the difference between menstrual blood and istihadhah blood. The treatment of Jewish men towards women who experience menstrual cycles is excessive. They isolate a menstruating woman, refuse to eat and drink with her, and do not even want to sit in a majlis with her. This went on for as long as the menstrual cycle lasted. Once pure, the woman would bathe and then be directed by the priest to go to their God with two doves, one slaughtered and the other burnt. Apparently this treatment lasted for a long time even until Arab Jahiliyah (Bassam, 2002).

Meanwhile, the Christian teachings in viewing the ruling of menstruating women are very excessive. Their view is the opposite of that of the Jews. They consider menstrual blood as ordinary blood that does not have any legal consequences. In fact, in this teaching, husbands can have sex with their wives who are menstruating (Syahriar, 2023).

On the other hand, Islam came with a moderate or moderate teaching in treating women who experience menstruation. In the teachings of Islam, a menstruating woman may associate with her husband. They can talk, eat, drink, and sit in the same majlis with their husbands. However, Islam prohibits husbands from having intercourse with their menstruating wives. This is not without reason, because menstrual blood is an impurity that causes disease. This is evident from research (Saribanon,2016) that during menstruation the condition of the wall becomes fragile, because the cells that protect it dissolve in menstrual blood. So that when intercourse, the uterine defence system and the bacteria carried by the penis become inactive and make it easy for these bacteria to transmit disease through the uterus.

Definition of Menstruation and How it Differs from Istihadhah

The term menstruation in Indonesia is various. Some call it menstruation, coming of the month, uninvited guests, obstacles and others (Rahmah, 2021). Likewise with the definition, menstruation has different meanings. Both in terms of lughowi, terminology (sharia), and also from the medical side. In terms of language as written by (Fi'ismatillah, 2019) in his writing entitled Interpretation of the Verses of Menstruation and its Implications for the Law (Ali Asshobuni's Study in the Book of Rawa'i Bayan) in the Maqoyisul Lughoh dictionary, menstruation comes from fi'il khaada-yahidu-khaidon which means releasing red water. Meanwhile, according to Wahbah Az-Zuhaili in his book Fiqh Islam wa Adillatuhu volume 1 as written by (Mulyana, 2023) in his work entitled Wahbah az-Zuhaili's View of the Meaning of Menstruation Viewed from a Feminist Perspective, linguistically he interprets menstruation with flooding or flowing. So that the Arabs used to call it Haadla al-Waadi when they saw a flooded valley.

Meanwhile, the scholars of the Shafi'i, Maliki, Hanbali, and Hanafi madhhabs linguistically agree to interpret menstruation as something that flows (as-sailan) (Rahim, 2019). So the blood is said to be menstrual blood because it flows. However, in terms of terminology they differ in interpreting menstruation. The Hanafi madzhab defines menstruation as blood that comes out of the womb of a woman who has reached the age of menstruation and not because of illness (Al-Hanafi, 2003). The Maliki madhhab defines menstruation as blood that comes out naturally from a woman's vagina at an age when it is possible to become pregnant and the discharge does not exceed 15 days and is not due to childbirth and illness (Al-Adawi, 1995). The Shafi'i (As-Syarbini, 1995) and Hanbali madhhabs define menstruation as blood that comes out of the base of a woman's womb naturally and is not caused by childbirth and only comes

out at certain times. Seeing the differences in the definitions of each madhhab, it only occurs in the redaction, but the essence is the same.

In terms of medical science (Al-Khasyt, 2010) menstruation is defined as a routine secretion of blood accompanied by mucus and obsolete cells that come out of the mucosa hidden in the uterus. The colour of menstrual blood is blackish and cannot coagulate. Thus, it is necessary for the author to conclude that the definition of menstruation as explained by Dr Wahbah az-Zuhaili is blood that comes out of the womb of a woman in a healthy state that is not due to childbirth or illness and comes out at certain times (Zuhaili, 1985).

The legal basis for menstruation used by the Hanafi, Maliki, Shafi'i, and Hanbali madhhabs is the Qur'an surah al-Baqarah verse 222. As for the hadith argument, the Shafi'i and Hanafi madhhabs base it on the hadith (Narrated by Muslim, hadith no. 2122, n.d.) as mentioned in the book of Shahih Muslim in the following application of Jawamihul Kalim

عن عائشة رضي الله عنها قالت: خرجنا مع رسول الله صلى الله عليه وسلم لا نذكرُ إلا الحج، حتى جئنا سَرِفَ فَطَمِنْتُ، فدخل عليَّ رسول الله صلى الله عليه وسلم وأنا أبكي، فقال: "ما يبكيك؟" فقلت: والله، لوِددْتُ أُنِّي لم أكن خرجت العام، قال: "ما لك؟ لعلَّكِ نَفِسْتِ؟" قلت: نعم، قال: "هذا شيء كتبه الله على بنات آدم، افعلي ما يفعل الحاج غير أن لا تطوفي بالبيت حتى تطهري"

Ā'ishah (may Allah be pleased with her) reported: We travelled with the Messenger of Allah (may Allah's peace and blessings be upon him) with no other intention than to perform Hajj until we reached Sarif. Then I menstruated. The Messenger of Allah (may Allah's peace and blessings be upon him) came to see me while I was crying. He asked me: "What is it that makes you cry?" I said: "By Allah, I wish I had not gone this year." He asked, "What happened to you? Did you have your period?" I said, "Yes." He said, "This is something that Allah has ordained for the women

of Adam's children. Do what the pilgrim does, except do not circumambulate the Ka'bah until you are pure." (Imam Muslim, 1992)

In contrast to the Hanbali madhhab, which based three traditions narrated by Umm Salamah, Fatimah, and Hammah (Syahriar, 2017). The narration of Ummu Salamah, as in Sunan Abi Dawud as follows: Umm Salamah, the Prophet's wife, reported that there was a woman during the time of the Prophet who bled. Then Umm Salamah asked the Prophet for an explanation for the woman. He replied:

لَتَنْظُرُ عِدَّةَ اللَّيَالِي وَالْأَيَّامِ الَّتِي كَانَتْ تَحِيضُهُنَّ مِنْ الشَّهْرِ قَبْلَ أَنْ يُصِيبَهَا الَّذِي أَصَابَهَا فَلْتَتْرُكِ الصَّلَاةَ قَدَرِ ذَلِكَ مِنَ الشَّهْرِ فَإِذَا بَلَغَتْ ذَلِكَ فَلْتَغْتَسِلْ ثُمَّ تَسْتَنْفِرْ بِتَوْبٍ ثُمَّ تُصَلِّي

She should wait for the nights and days of her usual menstrual period in each month, before she experiences what she has experienced, then refrain from praying during the menstrual period in each month. When that happens, then take a bath, tie a cloth over it, and pray" (Abi Dawud, 1988).

From the above definition, it is clear that menstruation is blood that comes out of a woman's womb at a certain time and is not due to illness or childbirth. If we compare it with the definition of istihadah, linguistically both mean something that flows. However, in terms of terms, it has a different meaning, especially among the scholars of the fiqh madzhab. According to the Hanafi madhhab, istihadah is blood that comes out less than the minimum period of menstruation, which is 72 hours, and more than the maximum period and nifaas. According to the Maliki madzhab, istihadah is blood that comes out because of illness (Al-Qurthubi, 1988). The Shafi'i madhhab defines istihadah as blood that comes out of a woman's uterus other than during menstruation and puerperium and in an unhealthy state (Al-Baijuri, 1999). In addition, the Hanbali madhhab defines istihadah as blood that comes out of the

uterus outside the normal menstrual period due to illness (Al-Bahuti, 1977).

I should point out that the Maliki madhhab does not stipulate a minimum period of menstrual blood. So, to find out whether the blood that comes out is *istihadah* or not, it can be done in several ways. Firstly, if a woman is accustomed to menstruating at a certain time, then if the bleeding is less than the customary period, then it is deemed to be *istihadah* blood. Secondly, if a woman is not in the habit of menstruating at a certain time, then any blood that comes out, even if it is a drop, is regarded as *haidh* (menstrual blood) and any blood that comes out after that is regarded as *istihadah* (irregular bleeding). Similarly, if a woman has a maximum period of menstruation, then the blood that comes out beyond the maximum period is called *istihadhah*.

From the explanations of the various madhhabs of fiqh regarding *istihadah*, I need to conclude that as explained by Dr Wahbah Zuhaili, *istihadah* is blood that flows at times other than the normal menstrual period and as a result of a disease that comes out of the vein at the base of the woman's uterus. His explanation is further elaborated that blood that comes out before the minimum age of menstruation (9 years) or less than the minimum period of menstruation or *nifaas*, or more than the maximum period of menstruation or *nifaas*, or more than the maximum monthly period but exceeds the maximum period of menstruation and *nifaas* or blood that comes out of a pregnant woman according to the Hanafi and Hanbali madhhabs, then this blood is called *istihadhah* blood (Zuhaili, 1985).

The legal basis for *istihadhah* in the Hanafi madhhab is the Prophet's hadith narrated by Anas bin Malik as follows:

أَنْبَأَنَا إِسْمَاعِيلُ بْنُ أَحْمَدَ، أَنْبَأَنَا ابْنُ مَسْعَدَةَ أَنْبَأَنَا حَمْرَةَ، قَالَ: حَدَّثَنَا أَبُو أَحْمَدَ النَّسَائِيُّ، حَدَّثَنَا أَحْمَدُ بْنُ
الْحَسَنِ الْكُرُوخِيُّ، حَدَّثَنَا الْحَسَنُ بْنُ شَيْبٍ، حَدَّثَنَا أَبُو يُوسُفَ، عَنِ الْحَسَنِ بْنِ دِينَارٍ، عَنْ مُعَاوِيَةَ بْنِ

قُرَّةٌ، عَنْ أَنَسِ بْنِ مَالِكٍ، أَنَّ رَسُولَ اللَّهِ قَالَ: الْحَيْضُ ثَلَاثَةُ أَيَّامٍ، وَأَرْبَعَةٌ، وَخَمْسَةٌ، وَسِتَّةٌ، وَسَبْعَةٌ، وَثَمَانِيَةٌ، وَتِسْعَةٌ، فَإِذَا جَاوَزَتْ الْعَشْرَةَ فَهِيَ مُسْتَحَاضَةٌ.

Narrated Ismail ibn Ahmad, narrated Ibn Mas'adah, narrated Hamzah, narrated Abu Ahmad an-Nasa'i, narrated Ahmad ibn Hasan al-Karukhiyyu, narrated Hasan ibn Shabib, narrated Abu Yusuf, from Hasan ibn Dinar, from Mu'awiyah ibn Qurrah, from Anas ibn Malik, the Messenger of Allah (peace and blessings be upon him) said: Menstruation is three days, four, five, six, seven, eight, and nine; if it exceeds ten days, it is istihaadah (irregular bleeding).

The Shafi'i madhhab, on the other hand, based this on the hadith of Fatimah as follows:

حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى، حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ مُحَمَّدِ بْنِ يَعْنِي ابْنَ عَمْرٍو، قَالَ: حَدَّثَنِي ابْنُ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ فَاطِمَةَ بِنْتِ أَبِي حُبَيْشٍ، أَنَّهَا كَانَتْ تُسْتَحَاضُ، فَقَالَ لَهَا النَّبِيُّ: إِذَا كَانَ دَمُ الْحَيْضَةِ، فَإِنَّهُ أَسْوَدٌ يُعْرَفُ فَإِذَا كَانَ ذَلِكَ فَأَمْسِكِي عَنِ الصَّلَاةِ فَإِذَا كَانَ الْآخِرُ فَتَوَضَّئِي وَصَلِّي، فَإِنَّمَا هُوَ عَرَقٌ.

Narrated Muhammad ibn al-Mutsanna, narrated Muhammad ibn Abi Adiy, narrated Muhammad Ibn Amr, narrated Ibn Shihab, narrated Urwah ibn Zubair, narrated Fatimah bint Abi Hubaisy, she was menstruating and the Prophet said to her: Menstrual blood is when it is black in colour that can be discerned, if so then leave the prayer. But if it is other than that, then do wudoo' and pray because it is the blood of sickness. (Abu Dawud narration number 247)

As for the Hanbali madhhab, it is based on the hadith of Fatimah narrated by Imam Muslim as follows:

وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، وَأَبُو كُرَيْبٍ، قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، قَالَتْ: «جَاءَتْ فَاطِمَةَ بِنْتُ أَبِي حُبَيْشٍ إِلَى النَّبِيِّ فَقَالَتْ « يَا رَسُولَ اللَّهِ، إِنِّي امْرَأَةٌ أُسْتَحَاضُ فَلَا أَطْهَرُ،

أَفَادَعُ الصَّلَاةَ؟ فَقَالَ: لَا، إِنَّمَا ذَلِكَ عَرْقٌ وَلَيْسَ بِالْحَيْضَةِ فَإِذَا أَقْبَلَتِ الْحَيْضَةَ، فَدَعِيَ الصَّلَاةَ، وَإِذَا أَدْبَرَتْ،
فَاغْسِلِي عَنْكَ الدَّمَ وَصَلِّي

Abu Bakr ibn Abi Shaibah and Abu Kuraib narrated to us: Waqi' narrated to us from Hisham ibn Urwah from his father, Aisha, who said: "Fatimah bint Abi Hubaisy came to the Messenger of Allah and said: 'O Messenger of Allah, I have istihaadah and I am not pure; should I leave the prayer? The Messenger of Allah replied: "No, the blood of istihaadah is sweat and is not menstruation, so if you experience it, leave the prayer, and when you have finished, wash your blood and pray" (Muslim: 506).

After knowing the difference between menstrual blood and istihaadah in terms of definition, we can also know the difference through the colour of the blood. This is contained in the Prophetic Hadith in the book of Thaharah in the chapter on the difference between menstrual blood and istihadah narrated by Imam Nasa'i with hadith number 215 (Lidwa Pusaka, n.d.) which reads:

أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى، قَالَ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ هَذَا مِنْ كِتَابِهِ، أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى، حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ مِنْ حِفْظِهِ، قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرٍو، عَنْ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ، أَنَّ فَاطِمَةَ بِنْتَ أَبِي حُبَيْشٍ كَانَتْ تُسْتَحَاضُ، فَقَالَ لَهَا رَسُولُ اللَّهِ: "إِنَّ دَمَ الْحَيْضِ دَمٌ أَسْوَدٌ يُعْرَفُ فَإِذَا كَانَ ذَلِكَ فَأَمْسِكِي عَنِ الصَّلَاةِ وَإِذَا كَانَ الْآخَرَ فَتَوَضَّئِي وَصَلِّي"، قَالَ أَبُو عَبْدِ الرَّحْمَنِ: قَدْ رَوَى هَذَا الْحَدِيثَ عَيْرٌ وَاحِدٌ، لَمْ يَذْكُرْ أَحَدٌ مِنْهُمْ مَا ذَكَرَهُ ابْنُ أَبِي عَدِيٍّ، وَاللَّهُ تَعَالَى أَعْلَمُ

Muhammad ibn Al Mutsanna reported that he said, Ibn Abu Adi reported that he said, Muhammad ibn Amr reported that Ibn Shihab reported that Urwah reported that 'A'ishah reported that Fatimah bint Hubaisy had istihaadah, and the Messenger of Allah said to her, "If it is menstrual blood, then it is the well-known black blood, so leave the prayer. If it is other than that, then do wudoo' and pray." Abu 'Abdur-Rahmaan said: There is not one person who narrated this hadeeth, and none of them

mentioned what Ibn Adi mentioned. (H.R. an-Nasa'i: 215)

The Hadīth indicates that the color of menstrual blood is generally blackish-red. However, if there is blood that comes out of the woman's farji' that is yellowish, cloudy, or dust-colored, then this blood can still be called menstrual blood if it comes out during the menstrual period. However, if the blood comes out outside the menstrual period, then it is called the blood of sickness (istihadhah) as stated in the Prophet's hadith

حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ أَخْبَرَنَا حَمَادٌ عَنْ قَتَادَةَ عَنْ أُمِّ الْهُدَيْلِ عَنْ أُمِّ عَطَّةَ وَكَانَتْ بَايَعَتْ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَتْ كُنَّا لَا نَعُدُّ الْكُدْرَةَ وَالصُّفْرَةَ بَعْدَ الطَّهْرِ شَيْئًا حَدَّثَنَا مُسَدَّدٌ حَدَّثَنَا إِسْمَاعِيلُ أَخْبَرَنَا أَيُّوبُ عَنْ مُحَمَّدِ بْنِ سِيرِينَ عَنْ أُمِّ عَطِيٍّ مِثْلَهُ قَالَ أَبُو دَاوُدَ أُمُّ الْهُدَيْلِ هِيَ حَفْصَةُ بِنْتُ سِيرِينَ كَانَ ابْنُهَا اسْمُهُ هُدَيْلٌ وَاسْمُ زَوْجِهَا عَبْدُ الرَّحْمَنِ

Musa ibn Isma'il reported to us Hammad from Qatadah from Umm Al-Hudzail from Umm 'Athiyyah - and she was a woman who pledged allegiance to the Messenger of Allah - who said: We do not consider murky or yellowish blood after purification from menstruation as menstrual blood. Musaddad narrated to us that Isma'il narrated to us that Ayyub narrated to us from Muhammad ibn Sirin that Umm Athiyah narrated the same. Abu Daud said, Umm Hudzail was Hafshah bint Sirin, her son was named Hudzail and her husband Abdurrahman (HR. Abu Daud: 264)

However, between Imam Syafi'i and the Hanafi madzhab differ in opinion in classifying the color of menstrual blood (Amani et al., 2023). Imam Syafi'i stated that there are 5 kinds of menstrual blood colors, namely blackish, red, yellowish, dust-colored, and turbidity. While the Hanafi Madzhab divides the color of menstrual blood into 6, namely blackish-black, red, yellowish, similar to the color of dust, greenish, and turbidity (Al-Khasyt, 2010).

From the above explanation, it can be concluded that to distinguish menstrual blood or *istihadhah* can be through several ways, one of which is the standard of distinguishing blood color. This standard means that the stronger color of blood is punished with menstrual blood. In addition, it can be done based on menstrual habits. This standard means that in judging menstruation is in accordance with the previous menstrual habits. And the last is referring to the generality of menstruation. This standard means that what is ruled as menstruation is blood that comes out within a period of six or seven days. This is if the first and second references cannot be met.

Age at which a woman experiences menses

A woman who has experienced menses is a barometer that she has reached puberty and is a *mukallaf*. This means that she is burdened with carrying out Shari'ah obligations such as prayer, zakat, fasting, and so on. However, the scholars differed on the minimum age for a woman to experience menses. The Hanafi madhhab (according to most Hanafiah scholars) is of the opinion that the earliest age for a woman to bleed is nine years old. This is because the Prophet had intercourse with Aisha r.a when she was nine years old. In the end, this age became the benchmark that 9 years of age is the measure of maturity (As-Syarakhsi, 1993).

On the other hand, in the Hanafi madhhab there are also those who argue that the minimum age for women to experience menstruation is 6, 7, and 9 years. However, some Hanafis argue that it is very rare for a woman to menstruate at that age. So that things that rarely happen cannot be used as general laws (Sa'adah & Zafi, 2020). Thus the blood that comes out before the age of 9 years is punished as *fasad blood* (Al-Hanafi, 2003). As for the age when a person no longer experiences menstruation according to most Hanafi scholars is the age of 60 years (Al-Hanafi, 2003). However, after this age, if a woman still has black,

brown, or red blood, then it is considered menstruation.

As for the Maliki madhhab, it has several provisions (Al-Jaziri, 1994); first, if a woman bleeds at an age less than 9 years old, then the blood is considered fasad blood. Secondly, if the bleeding occurs in a woman aged 9-13 years, it is required to consult a doctor who is an expert in femininity to determine menstruation. If the doctor states that the blood is menstrual blood, then it is regarded as menstrual blood, and vice versa. Thirdly, if the blood comes from a woman who is more than 13 years old, then it is regarded as menstrual blood. Fourthly, the blood that comes from a woman aged 50-70 years old is ruled as menstrual blood by a doctor who is competent in feminine matters. As for the blood that comes out of a woman over 70 years old, it is ruled as *istihaadah* (irregular bleeding).

Unlike the two madhhabs above, the Shafi'i madhhab stipulates that the minimum age for a woman to experience menstruation is 9 qomariah years and 16 days or less. This is less than the time that is sufficient to be recognized as minimum chastity (15 days) and minimum *haidh* (one day and one night). So if a woman bleeds less than this age, then the blood that comes out cannot be recognized as menstrual blood but is called *istihadhah* blood. However, in general, the first time a woman bleeds is when she is 12-14 years old (Tim LBM, 2015).

If some of the blood comes during menses and some of it comes before menses, then the blood that counts as menses is only the blood that comes during menses. For example, if a woman who is nine years old and less than twenty days old bleeds for ten days. So the first four days of less blood is *istihaadah* (irregular bleeding), and the last six days of less blood is *haidh* (menses). This is because the blood that lasts six days or less comes out when the woman reaches the age of nine years and sixteen days or less, which is the minimum age for menstrual bleeding

(Jamal, 1996).

The age of menopause according to the Shafi'i madhhab is 62 years. However, the scholars explained that at any age if a woman bleeds and has met the characteristics of haidh, then the blood that comes out is still considered haidh. And elderly women can still experience haidh (Zuhaili, 1985).

Unlike the Shafi'i madhhab, the age of 9 years in the Hanbali madhhab is a 'limitation', so that blood that comes out before the age of 9 years cannot be said to be haidh (Al-Bahuti, 1997). This ruling is based on a narration from Aisha in Sunan Tirmidhi:

عَنْ عَائِشَةَ قَالَتْ : إِذَا بَلَغَتِ جَارِيَةَ تِسْعَ سِنِينَ فَهِيَ امْرَأَةٌ

Aisha r.a. reported: "When a girl reaches the age of nine years, she becomes an adult".

The last age of menstruation for women in the Hanbali madhhab is 50 years (Ibrahm al-Hanbali, 1974). This is based on the narration of Imam Ahmad bin Hanbal from Aisha: Aisha r.a said: "when a woman reaches 50 years of age, she has left the period of menstrual bleeding".

The difference in the age of women experiencing menstruation is due to several factors, including hormonal factors, genetic factors, nutritional factors, environmental factors, and so on. Meanwhile, what affects the age difference of women experiencing menopause is the age of first menstruation, stress, contraceptive use, and others (Saribanon, 2016).

From this description, the author can conclude that the four madhhabs argue that the minimum limit for women to experience menstruation is when they are 9 years old. However, for the maximum limit or age of menopause there are differences of opinion among the four madhhabs. This is because there is no evidence that limits the

maximum age of women's menstrual blood and the differences in the results of surveys of each madzhab on women (Al-Makky, 2007).

Rulings and prohibitions for menstruating women

There is no doubt that the period of menstruation is one of the most difficult times in a woman's life. During this period, there are massive physical and psychological changes. However, it is impossible for Allah to be ignorant of these changes, because Allah Himself has created women with certain characteristics (menstruation).

On this basis, Islam has abrogated several taklif ta'abbudiyah (obligations of worship) when women experience menstruation. This is a form of conformity with their condition as well as a form of leniency and care given to women. Islam prohibits menstruating women from performing some acts of worship, in which case the scholars of the four madhhabs differ in the number of prohibitions as follows:

First, the Hanafi madhhab states that there are only 12 prohibitions, with details of 12 prohibitions for menstruating women and postpartum women while four prohibitions are specific to menstruating women. The eight prohibitions are prayer, fasting, tawaaf, entering the mosque, reading the Qur'an, holding the Mushaf, having intercourse, and ablution (Az-Zaila'i, 1896).

Second, the Maliki madhhab specifies 12 prohibitions, namely; prayer, fasting, prostration, holding the Mushaf, entering the mosque, tawaf, i'tikaf, reading the Qur'an (when after the cessation of menstruation but not yet purified), pronouncing divorce, having intercourse before the cessation of blood, making out on the farji' before the cessation of blood, having intercourse after the cessation of blood but not yet purified (Zuhaili, 1985).

Third, the Shafi'i madhhab outlines there are 8 prohibitions for

menstruating women, namely; thaharah, prayer, fasting, tawaf, reading the Qur'an, entering the mosque, having intercourse and making out, and divorce. As for the fourth, the Hanbali madhhab, details several prohibitions for menstruating women, namely thaharah, reading the Qur'an, holding the Mushaf, tawaf, prayer, fasting, i'tikaf, staying in the mosque, passing through the mosque if they are worried about polluting the mosque with drops of menstrual blood, having intercourse, divorce, 'iddah with the number of months (a woman who is divorced while menstruating may not observe 'iddah with the number of months but with the condition that she is in a state of menstruation (3 times pure), starting the calculation of 'iddah when the divorce is in a state of menstruation (Al-Bahuti,tt.). The explanation of the above information is as follows:

1. Purification (ghusl or ablution). The Hanafi, Maliki (Ad-Dardir, 1584), Shafi'i and Hanbali (Al-Maqdisi, 1963) madhhabs state that purification is not valid, because the condition for the validity of purification is the cessation of menstrual blood. In fact, the Shafi'i madhhab emphasizes that it is forbidden for those who know the ruling on menstruation to purify themselves with the intention of removing major or minor impurity, because they are considered to be playing with religious rulings (As-Syarbini, 1995). However, in the Hanafi madhhab, it is explained that it is mustahabb for a menstruating woman to perform ablution every time she enters prayer, followed by dhikr (Al-Hanafi, 2003).

2. Prayer. The Hanafi (Al-Hanafi, 2003), Maliki (Ad-Dasuqi, 1870), Shafi'i (Ash-Sharbini, 1996), and Hanbali (Al-Hanbali, 1974) madhhabs state the prohibition of performing prayers, both obligatory and sunnah prayers, as well as prostration of recitation and prostration of gratitude. The prohibition is based on the following hadith:

حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ عَنْ زُهَيْرٍ قَالَ حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ عَنْ عَائِشَةَ قَالَتْ قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا أَفْبَلْتُ الْحَيْضَةَ فَدَعِي الصَّلَاةَ وَإِذَا أَدْبَرْتُ فَأَغْسِلِي عَنكَ الدَّمَ وَصَلِّي (رواه البخارى)

Ahmad ibn Yunus reported Zuhair said, Hisham ibn 'Urwah reported 'Urwah reported 'Aisha said, "The Prophet said, "When menstruation comes, leave the prayer, and when it ends, wash the blood from you and then pray" (H.R Bukhori).

Prayers that are missed during menstruation are not obligatory to be made up because there is no command to make them up from Shara' and it will cause hardship to remember the obligation to pray five times a day and night (Zuhaili, 1985). This ruling is based on the following hadith:

حَدَّثَنَا عَبْدُ بْنُ حَمِيدٍ أَخْبَرَنَا عَبْدُ الرَّزَّاقِ أَخْبَرَنَا مَعْمَرٌ عَنْ عَاصِمٍ عَنْ مُعَاذَةَ قَالَتْ سَأَلْتُ عَائِشَةَ فَقُلْتُ مَا بَالُ الْحَائِضِ تَقْضِي الصَّوْمَ وَلَا تَقْضِي الصَّلَاةَ فَقَالَتْ أَحْرُورِيَّةٌ أَنْتِ قُلْتِ لَسْتُ بِحَرُورِيَّةٍ وَلَكِنِّي أَسْأَلُ قَالَتْ كَانَ يُصِيبُنَا ذَلِكَ فَتُؤْمَرُ بِقَضَاءِ الصَّوْمِ وَلَا تُؤْمَرُ بِقَضَاءِ الصَّلَاةِ (رواه مسلم)

'Abd ibn Humaid reported to us Abdurrazzaq reported to us Ma'mar reported from Ashim reported from Mu'adzah who said: "I asked 'Aa'ishah and said: 'Why do menstruating women make up the fasts and not the prayers?' 'Aa'ishah said: 'Are you of the Haruriyah?' I said: 'I am not of the Haruriyah, but I am only asking.' She said, 'We used to have our menses, and we were told to make up the fasts and not to make up the prayers' (H.R Muslim).

Women do not have to worry about losing their reward by not praying. If she is not praying because of menstruation, and she has the intention of submitting to and following the commands of Allah, she will still be rewarded.

3. Fasting. The Hanafi, Maliki (Ad-Dasuqi, 1870), Shafi'i (As-Sharbini, 1995), and Hanbali (Al-Bahuti, 1997) madhhabs state the

prohibition of fasting because it is based on scholarly consensus on the prohibition of fasting and the invalidity of fasting for women who are menstruating, as in the following hadith:

حَدَّثَنَا سَعِيدُ بْنُ أَبِي مَرْيَمَ، قَالَ : أَخْبَرَنَا مُحَمَّدُ بْنُ جَعْفَرٍ، قَالَ: أَخْبَرَنِي زَيْدٌ هُوَ ابْنُ أَسْلَمَ، عَنْ عِيَاضِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ، قَالَ: خَرَجَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي أَضْحَى أَوْ فِطْرٍ إِلَى الْمُصَلَّى فَمَرَّ عَلَى النِّسَاءِ، فَقَالَ: "يَا مَعْشَرَ النِّسَاءِ تَصَدَّقْنَ فَإِنِّي أُرِيْتُكُمْ أَكْثَ أَهْلِ النَّارِ" فَقُلْنَ: وَيَمَّ يَا رَسُولَ اللَّهِ ؟ قَالَ : تُكْذِرْنَ اللَّعْنَ، وَتَكْفُرْنَ الْعَشِيرَ، مَا رَأَيْتُ مِنْ نَاقِصَاتِ عَقْلِ وَدِينٍ أَذْهَبَ لِلْبَّ الرَّجُلِ الْحَازِمِ مِنْ إِحْدَاكُنَّ، قُلْنَ: وَمَا نُقْصَانُ دِينِنَا وَعَقْلِنَا يَا رَسُولَ اللَّهِ؟ قَالَ: "أَلَيْسَ شَهَادَةُ الْمَرْأَةِ مِثْلَ نِصْفِ شَهَادَةِ الرَّجُلِ" قُلْنَ: بَلَى، قَالَ: فَذَلِكَ مِنْ نُقْصَانِ عَقْلِهَا، أَلَيْسَ إِذَا حَاصَتْ لَمْ تَصَلَّ وَلَمْ تَصُمْ قُلْنَ: بَلَى، قَالَ: "فَذَلِكَ مِنْ نُقْصَانِ دِينِهَا"

"Sa'id ibn Abu Maryam reported to us from Muhammad ibn Ja'far who reported from Zaid (Ibn Aslam), from 'Iyad} ibn 'Abd Allah, from Abu Sa'id al-Khudri that on the occasion of Eid al-Adha or Eid al-Fitr the Messenger of Allah (peace and blessings be upon him) went out to the place of prayer. He then passed by some women and said: O women give alms. For it has been shown to me that most of the inhabitants of Hell are women. They asked: because of what, Rasulallah? He replied: Because, you often curse and deny the goodness of your husbands. You are creatures who lack reason and religion, but are capable of removing the common sense of a firm man. They asked again: What do we lack in religion and reason, O Rasulallah? He replied: Is not your testimony only half that of men? They replied: yes. Rasulallah (peace be upon him) said: that is one of the shortcomings of his mind. And, is it not the case that when you menstruate, you do not fast and do not pray? They replied: yes. He said: That is one of the shortcomings of her religion.

Unlike prayer, fasting that is missed must be made up. This is because fasting is only done once a year (one month), so it is not

considered a hardship. As in the hadith from Aisha narrated by Muslim

حَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ أَخْبَرَنَا عَبْدُ الرَّزَّاقِ أَخْبَرَنَا مَعْمَرٌ عَنْ عَاصِمٍ عَنْ مُعَاذَةَ قَالَتْ سَأَلْتُ عَائِشَةَ فَقُلْتُ
مَا بَالُ الْحَائِضِ تَقْضِي الصَّوْمَ وَلَا تَقْضِي الصَّلَاةَ فَقَالَتْ أَحْرُورِيَّةٌ أَنْتِ قُلْتُ لَسْتُ بِحَرُورِيَّةٍ وَلَكِنِّي أَسْأَلُ
قَالَتْ كَانَ يُصِيبُنَا ذَلِكَ فَتُؤْمَرُ بِقِضَاءِ الصَّوْمِ وَلَا تُؤْمَرُ بِقِضَاءِ الصَّلَاةِ (رواه مسلم)

'Abd ibn Humaid reported to us Abdurrazzaq reported to us Ma'mar reported from Ashim reported from Mu'adzah who said: "I asked 'Aa'ishah and said: 'Why do menstruating women make up the fasts and not the prayers?' 'Aa'ishah said: 'Are you of the Haruriyah?' I said: 'I am not of the Haruriyah, but I am only asking.' She said, 'We used to have our menses, and we were told to make up the fasts and not to make up the prayers' (H.R Muslim).

4. Tawaf. The Hanafi (Al-Hanafi, 2003), Maliki (Ad-Dasuqi, 1870.), Shafi'i (As-Sharbini, 1995), and Hanbali (Al-Bahuti, 1997) madhhabs explain the prohibition for women who are experiencing menstruation to do tawaf, whether tawaf ifadah, wada', or qudum as the Prophet said as follows:

عن عائشة رضی الله عنها قالت لما جئنا صرف حضرت فقال النبي العلي ما العمل الحاج غير أن لا تطوفني
بالبَيْتِ حَتَّى تَطْهَرِي (متفق عليه).

'Aisha (may Allah be pleased with her) reported: "When we reached Sarif we had our menses". So the Prophet said:" Do all the things that a pilgrim should do, but you should not circumambulate the House of Allah until you are pure" (H.R Bukhori and Muslim).

5. Reading the Qur'an. The Maliki madhhab states that there is no prohibition on reading the Qur'an on condition that it is before the cessation of menstruation, so that when menstruation has stopped and she has not purified herself, it is forbidden for her to read the Qur'an (ad-

Darir, 1588). Whereas in the madhhab of Shafi'i (Al-Baijuri, 1999), Hanafi (al-Hanafi, 2003), and Hanbali (Al-Bahuti, 1972) states the prohibition to read the verses of the Qur'an. The stipulation of the prohibition of reciting the verses of the Qur'an when the intention is 'reading', but if the intention is dhikr / prayer mutlaqkan or recited in the heart then the law is allowed (Latifah & Naachy, 2023).

The verse of the Qur'an here in the Hanbali madzhab is excluded if it is only part of a verse, then it does not become haram. Whereas in the Shafi'i and Hanafi madhhabs, even if it is part of a verse, it is still haram. In the Hanbali madhhab, according to Imam Taqyuddin, it is stated that if a woman who is menstruating or postpartum has a suspicion that her memorization will be lost, it is obligatory to recite (Al-Hanbali, 1974). The prohibition of reciting the Qur'an as the Prophet's hadith

وَحَدَّثَنَا أَبُو حَاتِمٍ، حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ، حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، حَدَّثَنَا مُوسَى بْنُ عُقْبَةَ، عَنْ نَافِعٍ،
عَنِ ابْنِ عُمَرَ، قَالَ: قَالَ رَسُولُ اللَّهِ: « لَا يَفْرَأُ الْجُنُبُ وَالْحَائِضُ شَيْئًا مِنَ الْقُرْآنِ

Abu Hatim narrated that Hisham ibn Ammar narrated that Ismail ibn 'Ayyas narrated that Musa ibn 'Uqbah narrated that Nafi' narrated that Ibn 'Umar narrated that the Messenger of Allah said: "It is not permissible for a menstruating woman or a junub person to read a single verse of the Qur'an" (H.R Ibn Majah).

6. Touching and Carrying the Mushaf. The Hanafi, Maliki, Shafi'i, and Hanbali madhhabs emphasize the prohibition of touching the Mushaf. Mushaf is anything on which the Qur'an is written, even if it is less than one verse, for the purpose of recitation. But if what is touched or carried is the interpreted Qur'an, then it is not forbidden as long as the interpretation is more than the Qur'an. Such as the book of tafsir Jalalain, tafsir al-Munir, and others (Widad, 2017). Or the Qur'an is carried along with other items, such as in a bag, with the aim of not carrying the

Qur'an. Allah's Word states "Verily this Qur'an is a noble recitation, in a preserved book (Lauhul Mahfuz), not to be touched except by purified servants, revealed from the Lord of the worlds" (Q.S Al-Waqi'ah:77-80).

Surah al-Baqarah above, is used as one of the bases for not being allowed to touch the Qur'an for people who have hadas. And supported by the Prophet's hadith

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ بْنِ حَزْمٍ، أَنَّ فِي الْكِتَابِ الَّذِي كَتَبَهُ رَسُولُ اللَّهِ لِعَمْرٍو
بْنِ حَزْمٍ، أَنْ " لَا يَمَسُّ الْقُرْآنَ إِلَّا طَاهِرٌ

Yahya reported to me from Malik from Abdillah bin Abi Bakr bin Hazm that in a letter written by the Messenger of Allah to Amr bin Hazm he said: "Do not touch the Qur'an except those who are pure (from impurity)" (H.R Ibn Hibban).

As for the ruling on the prohibition of carrying the Qur'an for menstruating or postpartum women, the scholars made an analogy with the prohibition of touching it except in emergencies such as to prevent it from fire, flood, or being controlled by the disbelievers. So the ruling on carrying it in such cases is that it is obligatory even if one is menstruating or postpartum.

7. Passing or Remaining in the Mosque. The Hanafi (Al-Hanafi, 2003), Maliki (Ad-Darir, 1588), Shafi'i (al-Hanbali, 1974), and Hanbali (Al-Mardawi, 1995) madhhabs state the prohibition of entering the mosque or just passing by if it is feared that the blood will pollute the mosque. This prohibition is because the mosque is the house of Allah (Baitullah). So it is not allowed if it is inhabited by people who have major impurity, even though it is intended for i'tikaf (Rahim, 2019). This statement is based on the Prophet's hadith:

حَدَّثَنَا مُسَدَّدٌ حَدَّثَنَا عَبْدُ الْوَاحِدِ بْنُ زِيَادٍ حَدَّثَنَا الْأَفْلَحُ بْنُ خَلِيفَةَ قَالَ حَدَّثَنِي جَسْرَةُ بِنْتُ دَجَاجَةَ قَالَتْ
سَمِعْتُ عَائِشَةَ. رَضِيَ اللَّهُ عَنْهَا تَقُولُ جَاءَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَوُجُوهُ بِيُوتِ أَصْحَابِهِ شَارِعَةً

فِيْمَسْجِدٍ فَقَالَ وَجَّهُوا هَذِهِ الْبُيُوتَ عَنِ الْمَسْجِدِ ثُمَّ دَخَلَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَكَمْ يَصْنَعُ الْقَوْمُ شَيْئًا رَجَاءً أَنْ تَنْزِلَ فِيهِمْ رُخْصَةٌ فَخَرَجَ إِلَيْهِمْ بَعْدُ أَنْ تَنْزَلَ فِيهِمْ رُخْصَةٌ فَخَرَّ إِلَيْهِمْ بَعْدُ فَقَالَ وَجَّهُوا هَذِهِ الْبُيُوتَ عَنِ الْمَسْجِدِ فَإِنِّي لَا أُحِلُّ الْمَسْجِدَ لِحَائِضٍ وَلَا جُنُبٍ قَالَ أَبُو دَاوُدَ هُوَ فَلَيْتَ الْعَامِرِيُّ (رواه ابو داود)

So he said: «Move the doors of your houses so that they do not face the mosque!» Then the Prophet (peace and blessings of Allaah be upon him) entered the mosque, and the Companions had not done anything in the hope that a revelation would come down that would give them relief. So he came out to them and said: Move the doors of your houses so that they do not face the mosque, for I do not allow the menstruating person or the junub person to enter the mosque. Abu Dawud said: He is Fulait Al-Amiri (H.R Abu Dawud).

8. Making out. The Hanafi (al-Hanafi, 2003), Maliki (Ad-Darir, 1588.), and Shafi'i (Ash-Sharbini, 1996) madhhabs explain that it is forbidden to make out with the parts of the body between the navel and the knees of a woman who is menstruating, whether with desire or not, and even after the cessation of blood but has not purified herself. This is based on the Prophet's hadith which reads

أَخْبَرَنَا مُحَمَّدُ بْنُ يُوسُفَ حَدَّثَنَا الْأَوْزَاعِيُّ حَدَّثَنِي مَيْمُونُ بْنُ مِهْرَانَ قَالَ سَأَلْتُ عَائِشَةَ مَا يَجِلُّ لِلرَّجُلِ مِنْ امْرَأَتِهِ وَهِيَ حَائِضٌ قَالَتْ مَا فَوْقَ الْإِزَارِ

Muhammad ibn Yusuf reported to us that Al 'Auza'i reported to me that Maimun ibn Mihran said: 'Aisha (may Allah be pleased with her) was asked: "What is permissible for a man to do to his menstruating wife?" She replied: "Whatever is on her sarong" (H.R. Ad-Darimi).

However, in this case, the Hanbali school (al-Mardawi, 1995) does not prohibit making out on the limbs between the navel and the knees of

women who are menstruating and postpartum on the basis of the hadith

وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ، حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ، حَدَّثَنَا ثَابِتٌ، عَنْ أَنَسٍ، حَدَّثَنَا أَنَسٌ، « أَنَّ الْيَهُودَ، كَانُوا إِذَا حَاضَتِ الْمَرْأَةُ فِيهِمْ، لَمْ يُؤَاكِلُوهَا، وَلَمْ يُجَامِعُوهُنَّ فِي الْبُيُوتِ، فَسَأَلَ أَصْحَابُ النَّبِيِّ فَأَنْزَلَ اللَّهُ تَعَالَى وَبَسَّأَلُونَكَ عَنِ الْمَحِيضِ قُلْ هُوَ أَذَى فَأَعْتَزِلُوا النِّسَاءَ فِي الْمَحِيضِ إِلَى آخِرِ الْآيَةِ، فَقَالَ رَسُولُ اللَّهِ اصْنَعُوا كُلَّ شَيْءٍ، إِلَّا النِّكَاحَ، فَبَلَغَ ذَلِكَ الْيَهُودَ، فَقَالُوا: مَا يُرِيدُ هَذَا الرَّجُلُ، أَنْ يَدَعَ مِنْ أَمْرِنَا شَيْئًا، إِلَّا خَالَفَنَا فِيهِ

Zuhair ibn Harb reported: Abdur-Rahman ibn Mahdi reported: Hammad ibn Salamah reported: Tsabit reported: Anas said: "The Jews, when a woman among them was menstruating, they did not eat with her, and they did not associate with her in the house, so the Companions asked the Prophet and Allah revealed His words: "And they ask you about menstruation, say: "menstruation is an impurity, so keep away from a woman when she is menstruating until the end of this verse". Then the Prophet said, "Do anything except intercourse." This reached the Jews. They said: This man will not leave anything out of our affairs unless he disagrees with us about it (H.R. Muslim).

9. Intercourse. The Hanafi, Maliki (Al-Qurthubi, 1988), Shafi'i (Ash-Sharbini, 1996), and Hanbali (al-Bahuti, 1997) madhhabs state the prohibition of wath'i (intercourse) either through the rectum or after the completion of menstrual blood but not yet purified. The prohibition of intercourse is based on the following Prophetic tradition:

وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ، حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ، حَدَّثَنَا ثَابِتٌ، عَنْ أَنَسٍ، « أَنَّ الْيَهُودَ، كَانُوا إِذَا حَاضَتِ الْمَرْأَةُ فِيهِمْ، لَمْ يُؤَاكِلُوهَا، وَلَمْ يُجَامِعُوهُنَّ فِي الْبُيُوتِ، فَسَأَلَ أَصْحَابُ النَّبِيِّ فَأَنْزَلَ اللَّهُ تَعَالَى وَبَسَّأَلُونَكَ عَنِ الْمَحِيضِ قُلْ هُوَ أَذَى فَأَعْتَزِلُوا النِّسَاءَ فِي الْمَحِيضِ إِلَى آخِرِ الْآيَةِ، فَقَالَ رَسُولُ اللَّهِ اصْنَعُوا كُلَّ شَيْءٍ، إِلَّا النِّكَاحَ، فَبَلَغَ ذَلِكَ الْيَهُودَ، فَقَالُوا: مَا يُرِيدُ هَذَا الرَّجُلُ، أَنْ يَدَعَ مِنْ أَمْرِنَا شَيْئًا، إِلَّا خَالَفَنَا فِيهِ

Zuhair ibn Harb reported: Abdur-Rahman ibn Mahdi reported: Hammad ibn Salamah reported: Tsabit reported: Anas said:

“The Jews, when a woman among them was menstruating, they did not eat with her, and they did not associate with her in the house, so the Companions asked the Prophet and Allah revealed His words: “And they ask you about menstruation, say: “menstruation is an impurity, so keep away from a woman when she is menstruating until the end of this verse”. Then the Prophet said, “Do anything except intercourse.” This reached the Jews. They said: This man will not leave anything out of our affairs unless he disagrees with us about it (H.R. Muslim).

However, if you have intercourse while you are menstruating, the Maliki, Shafi’i and Hanafi madhhabs state to make istighfar and there is no legal burden, while the Hanbali madhhab explains to give charity worth one dinar (Al-Qurthubi, 1988). Medical science suggests that having intercourse when the wife is menstruating or the blood has stopped but has not bathed, will have adverse health effects (Saribanon et al., 2016).

10. Divorce. The Hanafi, Maliki, Shafi’i, and Hanbali madhhabs explain that it is forbidden to divorce a woman who is experiencing menstruation. Because if the wife is divorced during menstruation, it will cause an increase in the length of the ‘iddah period (waiting to ensure the emptying of the uterus). This is because the ‘iddah period that she has to do is three times pure from menstruation, so that to undergo three purifications she must first spend her menstrual period. This prohibition is based on the Prophetic hadith which reads:

عَنْ قَتَادَةَ قَالَ سَمِعْتُ يُونُسَ بْنَ جُبَيْرٍ قَالَ سَمِعْتُ ابْنَ عُمَرَ يَقُولُ طَلَّقْتُ امْرَأَتِي وَهِيَ حَائِضٌ فَأَتَى عُمَرَ النَّبِيُّ - ١ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَذَكَرَ ذَلِكَ لَهُ فَقَالَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - ” لِيُرَاجِعَهَا. فَإِذَا طَهَّرَتْ فَإِنْ شَاءَ فَلْيُطَلِّقْهَا ” . قَالَ فَقُلْتُ لِابْنِ عُمَرَ أَفَاحْتَسَبْتُ بِهَا قَالَ مَا يَمْنَعُهُ. أَرَأَيْتَ إِنْ عَجَزَ وَاسْتَحَمَّقَ

Qotadah reported that he heard Yunus ibn Jubair say, “I heard Ibn ‘Umar say that he had divorced his wife while she was menstruating.

Then 'Umar came to the Prophet (peace and blessings of Allaah be upon him) and complained about his son. The Prophet (peace and blessings of Allah be upon him) said, "Order him to reconcile with his wife. If she is pure and he is willing, he can divorce her." Yunus said to Ibn 'Umar, "Do you consider it a divorce?" Ibn 'Umar replied, "What prevents it? The divorce is not hindered even by his weakness or ignorance."

Conclusion

The scholars of the fiqh madhhabs differ in defining menstruation according to the understanding of the hadith that is used as a reference. However, the point is the same, namely menstruation is blood that comes out of a woman's womb at a certain time and not due to illness or childbirth. If we compare it with the definition of *istihadah*, linguistically both mean something that flows. *Istihadah* is blood that flows at times outside the habit of menstruation and as a result of disease that comes out of the veins at the base of the female uterus.

In addition, according to several fiqh madhhabs, they agree that the age of women experiencing menstruation is at least 9 years old. However, in determining the maximum limit, opinions differ, this is because there is no evidence that limits the maximum age of women menstruating. Islam has abrogated several *taklif ta'abbudiyah* when women experience menstruation. This is a form of leniency and care given to women. Islam prohibits menstruating women from performing some acts of worship, but the scholars of the madhhabs of fiqh differed in the details of these prohibitions. However, there are some similar prohibitions that are discussed further in this paper in accordance with the hadith that is used as a reference, namely regarding the prohibition of menstruating women to wash, pray, fast, tawaf, read the Qur'an, touch and carry the Mushaf, pass or stand in the mosque, make out on the limbs between the navel and knees, have intercourse, and also divorce.

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