



Contemporary Islamic law: jilbab phenomena

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ABSTRACT

Close the genitals for a Muslim woman is a liability as embodied in the Qur'an. Clothes that cover the genitals are commonly called jilbab. The development of the jilbab is more than just a religious duty. However, it extends into the lifestyle of women in part. Jilbab was eventually not only a manifestation of piety as hoped religious orders. On the other hand, jilbab is a manifestation of social phenomena. This is reinforced by the widespread use of the jilbab in some communities for politics, law, and others. Religious reasons are behind the use of Jilbab among Muslim women. This reality ultimately concludes that the jilbab does not merely represent Muslim piety. However, the jilbab is also a lifestyle for some Muslim women to be impressed or present a religious atmosphere.

Keywords: Jilbab; social phenomenon; piety

1. INTRODUCTION

Women are often seen as weak creatures. When women take action – in this case, exemplified by running eyes and open chests because they are not covered by loose layers or clothes with low-neck models – the reaction from the stronger opposite sex will cause them to lose and fall. The opinions expressed seem to represent some, if not most, of the views on women.

This opinion is also strengthened by the fact that women tend to become sex objects because of the psychological structure and social education they receive compared to men. This is because the sex appeal that women have in their physical appearance can trigger stimulation in men to turn women as sex objects in reality into sexual fantasies, and this does not generally apply to women who see men because men as sex objects, in reality, are not then it becomes a sex fantasy in the minds of women. This is what is then

alleged to make Islam oblige the hijab for women and not for men, even though men are also sex objects in reality.

The issue of mandating the use of the jilbab for women does not necessarily stop at one agreement. The discussion on this issue is also the same as the problem of female genitalia. The issue of genitalia also raises differences of opinion. Especially regarding the boundaries that make it permissible for women to show their body parts. Some experts state that a woman's entire body is genitalia, so it must be covered.

Meanwhile, other experts state that the face and palms are not genitalia, so it is permissible to show them. It is up to such a broad scope that the jilbab has become a subject of debate, discussion, and even a measure of one's faith. The issue of the jilbab has been introduced previously. Still, recently, the issue of the jilbab has resurfaced, especially with the understanding that Quraish Shihab, as a reformist cleric, stated that women do not need to wear the jilbab. However, she has already answered this by stating that she only outlined several opinions regarding the obligation to wear the jilbab and did not choose whether to follow an obligatory or not obligatory opinion. According to him, the issue of the jilbab does not always have to be viewed from the point of view of whether it is obligatory or not.

However, it is not the issue of whether or not the jilbab is obligatory that is to be discussed here, but rather the phenomenon of wearing the jilbab by women in society that is to be discussed. It is hoped that this hijab phenomenon can be seen not only in terms of religious norms but in other broader domains, such as psychology as one of the branches of social science. This will also reveal why women choose to wear or not wear the jilbab.

However, even though it is not a formal legal issue regarding whether or not the jilbab is obligatory for Muslim women, this rule underlies various perceptions in society. That excellent and obedient Muslim women or Muslim women are those who wear the jilbab. So what emerges is the notion that Muslim women who are not veiled have not practised their religion correctly if they do not want to call them disobedient. So then, the jilbab is used as a benchmark for whether or not a Muslim woman is religious.

However, if we look at the current condition, Muslim women who wear the jilbab are not as ideal or elegant as what is described as a devout woman. Shihab stated that some women wore jilbab, but their behaviour was not in line with the religious and cultural guidelines of the Islamic community. Women wearing jilbab can dance with men who are not mahram. In this context, the jilbab is referred to by Shihab as a fashion dress that penetrates everywhere and not as a religious guide.

Then the question arises: What about Muslim women who are not veiled? Is it true that they are not women who are devout in their religion, who can show off their bodies in any way? Or even what about women who take off their jilbab after staunchly defending it?

2. METHODS

The research method used in this study is qualitative. The method of presenting the data is descriptive analysis, and it is designed with a literary approach that explores some of the literature related to this discussion.

3. RESULTS AND DISCUSSION

The Jilbab and the Social Context There are many meanings of the word jilbab, which are Arabic words. Jilbab is the plural form of jalaabiib, which means wide clothing. This means spacious clothing that can cover a woman's genitals except for the face and palms up to the wrists, which are only exposed.

There is also Al-Biq'a'i (in Thohari, 2011), which mentions several meanings of the word jilbab, namely loose clothes or veils that cover a woman's head, or clothes that cover the clothes and headscarves she wears, or all clothes that cover a woman's body.

Based on that understanding, if what is meant by the jilbab is a dress, then the jilbab is a garment that covers the hands and feet. If it is a veil, the order to stretch it is to cover the face and neck. Furthermore, if the meaning is clothing that covers the body, then the order to stretch it is to make it loose so that it covers the whole body and clothes.

The Jilbab in the Big Indonesian Dictionary is defined as a wide veil worn by Muslim women to cover the head and neck to the chest. The Jilbab in Indonesia was originally better known as a veil, which is a cloth to cover the head, but still shows the neck and part of the hair. Only in the early 1980s did the term jilbab become known, namely a Veil that also covers the neck and all hair.

So, there are various opinions about the meaning of the word jilbab. Although there are various opinions regarding the jilbab, here the author limits or interprets the jilbab as a women's veil that covers the head to the chest. At the same time, the wide clothing that covers the body and private parts of the author is called the jilbab.

The jilbab is synonymous with Muslim women's clothing or Muslim women. So, the jilbab became a symbol of the Islamic religion. However, from the historical context, it turns out that not only Islam recognizes the word jilbab. The jilbab is also found in the Torah but is called the word tif'eret. In the Bible, some terms are synonymous with the jilbab, namely zammah, re'adah, and zaif. Furthermore, the use of the jilbab is also recognized in the law Assyrian family. The jilbab issue is not simple because it relates to women's clothing and cross-cultural aspects.

The term jilbab in the development of the jilbab phenomenon carries various messages not only in efforts to define the term but also in the meaning and application of it in a society that carries religious, social symbols and social identity.

The jilbab phenomenon became an international issue when the French government banned the use of religious symbols in French schools, and one of the things they considered a religious symbol was the jilbab. In France and Indonesia, around the 1980s or during the New Order government, there was a regulation prohibiting wearing head coverings (jilbab).

In March 1982, the Ministry of Education and Culture (Department of P and K) of the Republic of Indonesia issued Decree (SK) 052/C/Kep/D/82, which regulated the form and use of school uniforms in public schools. This resulted in more and more girls wearing jilbab receiving reprimands and threats from the school. Students who persist in wearing the jilbab are forced to leave school and move to private schools that allow them to wear it. The ban eventually led to various cons, finally in 1991 a new decree was issued, which allowed female students to wear the jilbab in the school environment.

Based on this case, in Indonesia, the jilbab is not seen as a religious issue because if it is only seen as a religious issue, the banning of the jilbab violates statutory regulations regarding guarantees of carrying out religious teachings. Even in the past, the use of the jilbab was only carried out by village women and was limited in space and time, namely its use only at certain times such as Eid al-Fitr or recitation and was used by women who had made the pilgrimage. However, the jilbab has become a lifestyle phenomenon that is no longer limited to space and time.

Women wearing closed clothes that cover their entire body will protect themselves from the temptation of the opposite sex. This is, of course, different from women who wear open clothes. Men will be easily tempted, especially by clothes that reveal their jewellery. Indirectly, it can be interpreted that women who do not cover their bodies (read: not jilbab) tend to become the cause of male temptation. Even Suardi (1995) says that women willing to take off their jilbab and show their long legs and necks for their career/work are experiencing what he calls a "tragedy of faith". Both Salim and Suardi believe that Muslim women should maintain their jilbab.

However, what happens in society is different. Nowadays, not a few women wearing jilbab knock on one door after another with a stop map containing a request for donations to construct a mosque or an orphanage. However, neither the mosque nor the orphanage are in doubt. This was also confirmed by Suardi (1995), according to whom the jilbab had been used as a camouflage for the identity of fraudsters. Departing from these facts, the author assumed that it would be inappropriate to use the jilbab as a starting point for measuring the wisdom of a woman.

The jilbab has two dimensions, namely material and spiritual, the material jilbab is in the form of covering the body. Meanwhile, the spiritual jilbab is a condition in which women in the midst of social life do not try to appear dressed up to attract attention, in the sense that this spiritual jilbab is a deterrent from deviating and degenerating morals and behaviour. These two dimensions are said to be intertwined and influence each other.

The material of the jilbab functions as immunity or immunity, which is preventive so that the spiritual jilbab will be maintained by maintaining the material jilbab.

So, the jilbab woman who asked for donations only wore material jilbab and even used them as camouflage. This gave rise to another perception, namely the emergence of apologies indicating that the spiritual jilbab is more important than the material jilbab. Like the emergence of the phrase, "it is better to dress normally but have a good heart than to dress in Muslim women but have a bad heart". Based on these considerations, the jilbab issue is not only an individual problem with their beliefs but also a social problem.

Whether we admit it or not, the jilbab is a matter of religion and revolves around the social and political spheres. In Indonesia, the jilbab began to boom in the 1990s thanks to the big contribution from Cak Nun with a roadshow around Indonesia staging the poem *Lautan Jilbab* as a cultural motor, which made Indonesian women look at the jilbab.

Apart from that, the phenomenon of perpetrators of criminal acts who were not originally jilbab suddenly wore jilbab. Call it *Wa Ode*, *Neneng Sri Wahyuni*, *Nunun Nurbaiti*, *Angelina Sondakh*, *Apriyani's deadly driver*. They do not wear the jilbab daily, but when they stumble upon a case, they suddenly wear it.

That is a little description of the social context of the jilbab, especially in Indonesia. The jilbab is interpreted as a theological attire because a religious order recommends that women cover their heads despite all the differences of opinion accompanying it. As a theological attire, the jilbab is used as a shield or protector for those who feel threatened by wearing it or taking it off. However, the jilbab is also used as a lucrative trading commodity by making the jilbab a lifestyle. This lifestyle may have a positive influence, but it also does not rule out the possibility of forgetting the fundamental religious values regarding dress code, namely not to show modesty.

So that is how the veil lives its existence in human life, moves and develops along with human development and needs. Jilbab 'lives' not only in the realm of religion but in various human social domains such as economics, psychology, and politics.

Reasons for Using the jilbab

After looking at the social context of the jilbab, of course, one can see other important points that should be included. That is the reason. Yes, the underlying reason for women to veil or not jilbab. There are various reasons why women wear the jilbab. First, for theological reasons, either because of the long struggle process until they finally believe that the jilbab is a mandatory dress in Islam or because of the pressure of fear of sin. Second, wearing the jilbab because of coercion, such as regulations that make it obligatory to wear it in certain institutions. Third, for psychological reasons, for example, they do not feel comfortable because everyone in their environment wears the jilbab or because they want to feel safe. Fourth, lifestyle demands fashionable or lifestyle reasons to look beautiful and trendy, as evidenced by the rise of Muslim fashion stores. Sixth,

political reasons are fulfilling the demands of certain Islamic groups who put religious symbols forward as political merchandise.

The results of a poll that the author conducted for the MISSI campus magazine in 2014 showed that as many as 75% of students at the UIN Walisongo Faculty of Da'wah and Communication stated that the jilbab is part of a lifestyle, which means that the jilbab is considered part of a lifestyle. Based on the results of the poll, at least one of the reasons why these students wear the jilbab can be identified.

This shows that the jilbab is no longer just a theological issue. It could be that they (women who wear the jilbab after experiencing legal problems) wear it for psychological reasons, namely seeking a sense of security from the jilbab, which is already perceived as a good Muslim woman's attire. They hope to get public sympathy. They are women with good morals because their headscarves are used as a symbol of their religiosity. At least, that is their perceptual hope.

This is also influenced by a religious orientation, namely the motives behind the behaviour to understand the various forms of actions committed to carrying out the teachings of their religion. There are two religious orientations, namely extrinsic and intrinsic orientations. Extrinsic orientation is a religious orientation that is self-serving and centred on the safety, comfort status, and protection of adherents. At the same time, intrinsic orientation is the internalization of beliefs and following their religion's teachings, so people with an intrinsic orientation are often referred to as people who have found primary motives in religion.

Juneman offers a new understanding by researching women who take off their jilbab. Juneman's research results show that the jilbab cannot be used to measure women's religiosity. The pattern of religious orientation has nothing to do with why a person wears or does not wear the jilbab.

Juneman stated that existential beliefs influence a Muslim woman wearing the jilbab. Fowler developed a theory in his book *Stages of Faith: The Psychology of Human Development and The Quest for Meaning*. This existential belief is a multidimensional concept that includes creating meaning (Meaning-making). So, this existential belief is closely related to the human need to seek and create meaning. The experience of women who wear the headscarf or do not wear the jilbab is specifically related to one aspect of existential belief, namely aspect G of existential belief, namely the symbolic function of the jilbab itself. However, Muslim women's interpretation of the headscarf as an aspect of G cannot be separated from the development of one or more other aspects of existential belief, namely aspect A (logic), aspect B (taking a social perspective), aspect C (a form of moral judgment), aspect D (a border of social awareness), aspect E (locus of authority), and aspect F (a form of coherence of the subject's world).

After the research subjects experienced the process of developing these existential beliefs, they found a new meaning for the jilbab, which they previously believed was the identity of Muslim women. Some interpret the jilbab only as clothing that can be worn

under certain conditions and has nothing to do with their faith or religiosity. Meanwhile, some others still agree with the meaning of the jilbab as a Muslim identity, but they reject coercion in wearing it for women.

Based on the results of this research, Juneman found that women who used to wear the jilbab and interpret the jilbab as a Muslim identity after experiencing struggles in their lives finally found a new meaning about the jilbab. They no longer view the jilbab as an obligation, but as a garment they can put on and take off. Here, Juneman also explains that their religiosity (women who take off their jilbab) does not necessarily fade or fade. They feel they are becoming more religious and able to explore and live up to religious orders. Apart from existential beliefs, the wearing of the jilbab can also be seen through Maslow's hierarchy of needs. If previously the reason for wearing the jilbab was for women's safety from male harassment, then the reason for women wearing the jilbab may be because they want to feel safe. Maslow describes this sense of security in his hierarchy of needs theory.

Maslow refers to these needs as basic needs, which are described as a hierarchy or multilevel ladder that describes the level of needs. Maslow's hierarchy of needs has five levels: physiological needs, safety needs, belonging and affection needs, esteem needs and self-actualization needs.

The author tries to use the second stage of Maslow's hierarchy of needs as an analytical tool for wearing the jilbab. This need for security arises after physiological needs are sufficiently satisfied. These needs include physical security, protection and freedom from threatening forces such as war, terrorism, disease, riots, anxiety, and fear. The need for security is different from physiological needs because the need for security can only partially be fulfilled. Maslow said that someone who feels insecure requires order and stability, so he will try hard to avoid unfamiliar things he does not expect.

The use of the jilbab can also be related to the concept of fearing sin and the pursuit of rewards as well as heaven and hell, which are often used as the basis for ordering the headscarf for children in education. It is this concept of fear of sin that tries to overcome by seeking a sense of security. One way to feel safe from the fear of sin is by wearing the jilbab, which is understood as a religious order.

However, those who choose not to wear the jilbab also have their reasons. A sense of security comes from something other than wearing the jilbab. Precisely, when a woman wears the jilbab, she feels insecure. As experienced by journalists covering conflict areas, they take off their jilbab. This happens because the need for a sense of security differs from one individual to another. Furthermore, wearing or not wearing the jilbab does not stop at the stage of the need for a sense of security but also extends to the need for appreciation.

According to Maslow, this need for appreciation has two categories, namely lower and higher needs. Low needs are the need to respect others, the need for status, fame, glory, recognition, attention, reputation, appreciation, dignity, and even domination.

Higher needs are self-esteem, including feelings, beliefs, competence, achievement, mastery, independence, and freedom.

Currently, the jilbab, which has been transformed into a lifestyle and part of fashion, is a way for some women to fulfil their needs for appreciation, both lower and higher needs. For example, what has recently happened is the conversion of actress Laudya Cintya Bella from who was initially not wearing a jilbab to wearing a jilbab. After she decided to wear the jilbab, she became into the media spotlight, which inevitably increased her fame, considering her status as a public figure.

There is also Sefti Sanustika, the wife of Ahmad Fathonah, who is in the middle of a corruption case and chooses to open her jilbab and wear revealing clothes. Some suspect that Sefti's removal of the jilbab was for the benefit of one of the parties. The intention was to show the status of Sefti and her husband that they were not members of any of the parties that represented her husband before his imprisonment. Of course, this is an assumption that by wearing or not wearing the jilbab, the need for appreciation can be fulfilled, and it is not intended to judge or question specifically what their reasons are for wearing and removing the jilbab.

Based on this explanation, both women who wear or do not wear the jilbab have specific psychological reasons. It may be that what Junemaan found in his research on women who took off their jilbab about the development of existential beliefs was also experienced by Muslim women. It could be that they are looking for the meaning of the jilbab. It could also be because they seek security and appreciation from their choice to wear or not wear.

Not a few women at first wore the jilbab, and then once they became university students and became acquainted with various religious organizations, they finally decided to wear the jilbab. In contrast, female students who used to wear jilbab finally took off their jilbab after entering the world of lectures. Even if you don't remove it, there will be a shift in the shape and type of jilbab worn. Not a few women initially wore large jilbab, but as their association expanded, the size of the jilbab they wore became narrower.

Juneman's research subjects also experienced this phenomenon. At first, they wore a large jilbab, then in the process of removing it, the size of their jilbab decreased and became more 'rough' until they finally removed it. This at least shows that there is one thing that has escaped attention. Do these women know about the arguments or verses about the jilbab? This critical point is covered by doctrines which state that the jilbab is obligatory. However, it needs to be explained further why it is mandatory. So that not a few swallowed the commandment, so the women veiled. Then he looked cynically at another sister who was not wearing a jilbab.

Furthermore, an objection emerged later, which stated that the jilbab is not obligatory because hair does not stimulate lust for men more than other parts of a woman's body. So, those who are not veiled have arguments to support those who are

not veiled. Or at least to fight the cynical stares of people who think they are not doing what their religion says.

However, again, studies conducted by women to understand whether those who think it is obligatory to wear the jilbab or those who do not make it obligatory may need to be more adequate. Until it seems to follow the trend, as stated by Fachrudin in his article in the Jakarta Post, many women Indonesian Muslims use the jilbab only to follow trends and traditions or simply follow popular culture with the existence of a Muslim community.

It is very possible that many Muslim women do not actually know the reasons for the jilbab. They do not wear it, and maybe even those who do not know why they wear the jilbab. As previously explained, the reason for wearing the jilbab could be coercion. Then, the reason for wearing the jilbab could be due to institutional coercion, for example, a school which requires its students to wear the jilbab. So they do not have time or do not feel the need to find out the verses about the jilbab.

However, this opinion cannot be generalized to every Muslim woman. This is because many Muslim women also wear the jilbab after conducting an in-depth search about it until they finally decide to wear a veil. Not a few of them already know about the verses about the jilbab, and initially wearing it later because of various life experiences, they finally decided to take off the jilbab, as experienced by Juneman's research object.

Still, based on a poll that the author conducted in 2014 for a campus magazine MISSI, 46.7% of female students in one of the faculties at Islamic Higher Education said they did not wear Muslim clothing outside campus. At the same time, most respondents were graduates of Islamic boarding schools who assumed they knew verses about the jilbab.

This shows that more than knowing the verses about the jilbab alone is needed to answer the phenomenon of the jilbab. So, whether or not Muslim women know about the verses about the jilbab is not enough to explain this hijab phenomenon. This is because, as explained earlier, various reasons make women choose to wear or not wear the jilbab.

Interpretation of Verses Regarding Hijab

After discussing the reasons for women wearing the jilbab and not wearing it, the author then tries to explain some verses about the jilbab. However, like most other issues, which always raise pros and cons, the hijab is the same as those who agree and those who disagree. In this case, the problem regarding women's clothing is the jilbab. Two groups have different views. The first group expressed their opinion that religious evidence, even if there is evidence, is more robust and in line with the principles and disciplines of religion. Then, such a thing is, of course, unacceptable. The second group refers to religious principles recognized by the ulema. However, in its application, among others, in the context of clothing/aurat, it does not have the support of previous clerics and some contemporary ulema.

There are adherents of the first group's opinion, which reveals that closed clothing is a form of slavery and was born when men controlled and enslaved women. Some say that jilbab, which is material or closed clothing or immaterial or both, has closed women's involvement in life, politics, religion, morals and so on. Some even openly say they reject the jilbab because being covered or naked makes a woman a mere body. They put forward these opinions based on mere subjectivity and without evidence.

It seems that many Muslim women follow and agree with these two opinions without further examining the origins of these two opinions. Therefore, in the following, the author describes several verses about the jilbab that are often used by the clergy to serve as the basis for wearing the headscarf, regardless of the various differences of opinion about the interpretation of the verse. However, with different interpretations, it is hoped to open up an understanding of the headscarf commandment. The verses that are used as references for the command to wear the jilbab are used by scholars as a basis for determining the limits of women's private parts, namely the word of Allah in QS. An-Nur [24]: 31.

وَقُلْ لِلْمُؤْمِنَاتِ يَعْضُضْنَ مِنْ أَبْصَرِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا وَلْيَضْرِبْنَ بِخُمُرِهِنَّ عَلَىٰ جُيُوبِهِنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ أَوْ آبَائِهِنَّ أَوْ آبَاءِ بُعُولَتِهِنَّ أَوْ أَبْنَائِهِنَّ أَوْ أَبْنَاؤِ بُعُولَتِهِنَّ أَوْ إِخْوَانِهِنَّ أَوْ بَنِي إِخْوَانِهِنَّ أَوْ بَنِي أَخَوَاتِهِنَّ أَوْ نِسَائِهِنَّ أَوْ مَا مَلَكَتْ أَيْمَانُهُنَّ أَوْ التَّابِعِينَ غَيْرِ أُولِي الْإِرْبَةِ مِنَ الرِّجَالِ أَوِ الطِّفْلِ الَّذِينَ لَمْ يَظْهَرُوا عَلَىٰ عَوْرَاتِ النِّسَاءِ وَلَا يَضْرِبْنَ بِأَرْجُلِهِنَّ لِيُعْلَمَ مَا يُخْفِينَ مِنْ زِينَتِهِنَّ وَتُوبُوا إِلَى اللَّهِ جَمِيعًا أَيُّهُ الْمُؤْمِنُونَ لَعَلَّكُمْ تُفْلِحُونَ ﴿٣١﴾

"Say to women who believe:" Let them restrain their eyes, and their private parts, and let them not show their jewelry, except what (ordinary) appears from it. And let them cover their breasts with a veil, and do not show their jewelry except to their husbands, or fathers them, or their husband's father, or their sons, or their husband's sons, or their brothers, or their brothers' sons, or their sisters' sons, or Muslim women, or the slaves they have, or male servants who have no desire (towards women) or children who do not yet understand about the genitalia of women. And let them not beat their feet so that the ornaments they hide are known. And repent all to Allah, O you who believe that you may be successful"

Differences of opinion arise among scholars in interpreting the sentence *illa ma zhahara minha* (except what appears from it (the jewellery)). There are many interpretations of this verse. Ath-Tabari, stated that the key to the differences of opinion among scholars is the word *illa ma zhahara Minha*. For him, the controversy is about what parts of a woman's body can be uncovered. He cites several opinions from the Companions of the Prophet, who argue that only the outer garments are allowed to be exposed by women. At the same time, the whole body, including the face and palms, must be covered. Some other opinions say women can expose their eyes, rings, bracelets and faces.

Ar-Razi believes that women can show their faces and hands because they are needed for functional functions such as buying and selling. However, he says looking at women's faces with lust is not allowed. So, it is permissible to look at a woman's face if we do not want to do what is called slander. This verse also shows that the Koran wants to protect women from sexual harassment and exploitation.

Muhammad Asad, said that *illa ma zhahara minha* is what humans may show openly by existing customs. For him, the ambiguity in this expression is deliberate and intended to allow all ages to bring about the necessary changes in man's moral and social growth.

Responding to the different views of the previous commentators, Quraish Shihab argued that each adherent of the opinion above was limited to using his logic and inclinations and was influenced consciously or not by the developments and social conditions of his society. This verse does not clearly define the boundaries of women's private parts. So, that verse should not be used to determine the boundaries of women's genitals.

Shihab stated that the differing opinions of past experts regarding the limits that may or may not be seen by these women prove that they disagree with the value of the validity of the existing history, and this, at the same time, shows that the legal provisions regarding the permissible limits are *zhanniy* or guess. This means that one party may consider the allegation strong but weak by another. Shihab added that if there is a definite law originating from the Alquran and hadith, there will be no difference of opinion in determining the breadth and narrowness of these boundaries.

Meanwhile, in understanding the sentence *illa ma zhahara minha*, Shihab believes that it is essential to consider customs as a consideration in determining law, but with the record that custom is not accessible from the principles of religious teachings and general norms. Because of that, he came to the opinion that traditional or national clothes usually worn by Indonesian women who do not wear the *jilbab* cannot be said to have violated religious rules.

As-Sayyid Salim (2014) provides a conclusion about the differences between these two camps of scholars that scholars agree on the obligation to cover the body of an independent woman apart from the face and palms. However, there is a difference of opinion about the face and palms. Then, the scholars who did not make it obligatory to cover the face argued that it was more important and was done more during slander time.

Still, in the same verse, there is also the following sentence:

Meaning: "Let them (women) put (steadily) their veils over the holes of their clothes (chest)."

In the verse above, the word *khumur* comes from the word *khumur*, which is the plural form of the word *khimar*. Something that is placed on the head to cover it is called *khimar*. Departing from this, *khimar* is then interpreted as a veil.

However, a new question arises: Is it true that covering the head and chest with khimar is the message of the verse, or is it just covering the chest in any way, even if it does not cover the head? Referring to the editorial of the verse, the order is called upon to cover women's breasts with their headscarves. This leads to a temporary conclusion that women's hair does not have to be covered because this verse emphasizes the importance of covering the chest. The next verse is the subject of discussion about women's clothing, namely the word of God in QS. Al-Ahzab [33]:59.

يَا أَيُّهَا النَّبِيُّ قُلْ لِّأَزْوَاجِكَ وَبَنَاتِكَ وَنِسَاءِ الْمُؤْمِنِينَ يُدْنِينَ عَلَيْهِنَّ مِنْ جَلَابِيبِهِنَّ ذَلِكَ أَدْنَىٰ أَنْ يُعْرَفْنَ فَلَا يُؤْذَيْنَ وَكَانَ
اللَّهُ غَفُورًا رَّحِيمًا

"O Prophet, Say to your wives, your daughters and the wives of the believers: "Let them stretch out their headscarves (all over their bodies)". That is so that they are easier to recognize, therefore they are not disturbed. and Allah is Most Forgiving, Most Merciful".

When reading this verse, there is also a problem regarding the meaning of the jilbab because here, the commentators differ. Almost all scholars agree that the commandment of the verse above applies not only to the time of the Prophet SAW, but also throughout the present and the future. However, contemporary scholars understand that it only applied during the time of the Prophet SAW, when there was slavery, and a distinction was needed between them and free women. It was aimed at avoiding annoying men who were nosy. According to contemporary scholars, if this goal can be achieved in one way or another, then at that time, the clothes worn are in line with religious guidelines. They think this verse was revealed in certain situations where enslaved women could be seduced at that time, while free women could also be considered enslaved because of their clothes.

Regardless of the meaning of the jilbab that each commentator believes in, what is more important, according to Quraish Shihab, is whether the command to extend the jilbab in the verse applies only to the time of the Prophet SAW or is it valid for all time? Quraish Shihab understands that this order only applies at the time of the Prophet SAW, when there was slavery, and it was necessary to distinguish between them and free women and aimed to prevent nosy men from disturbing them. According to him, before the revelation of this verse, the way to dress a free woman or an enslaved person – who was kind or immodest- could almost be said to be the same. Because of this, nosy men often bully women, especially those they know or think of as enslaved people. To avoid these disturbances, as well as to show respect for Muslim women, the verse above was revealed.

Based on the explanation of the verses and the interpretation of these scholars, one can see their reasons for obliging and not obliging. Shihab, as a contemporary scholar who can be said to have significant influence in building his argument, uses several approaches and methods that can be used in ijihad, namely:

First, the *tarjih* approach, which can be interpreted as an effort to select a variety of opinions from various schools of thought, then a diligent opinion is taken based on predetermined and acceptable criteria.

Second, the *'illat al-hukm* approach *'illat* is a cause where the law is applied. The main requirement is that an *'illat* law must be clear, consistent and by *maqashid shari'ah*, namely bringing benefit—the reason for dropping QS. According to him, *al-Ahزاب* (59) differentiates between Muslim women and enslaved people and avoids annoying men. Meanwhile, nowadays, there is no slavery anymore, so there are no slaves. So, the national dress with the appearance of hair and mid-calf for women can be justified because the absence of *'illat* law can cancel the application of the law.

Third, the method of *istisān* (*bi al-'Urf*), because Shihab stated to make customs a consideration in determining the law (provided that these customs are not accessible from the principles of religious teachings and general norms), and using the reason for the silence of Indonesian clerics in the past saw the way Muslim women dressed tended to be traditionalists (without wearing the *jilbab*) as a form of agreement on the way Muslim women dressed at that time.

CONCLUSION

As explained in the previous section, the *jilbab* has a reasonably broad scope in human social life. Apart from being a dress, a religious symbol, the *jilbab* gracefully penetrates other domains. Differences of opinion also enliven this *jilbab* issue. The *jilbab*, which is defined as a veil that covers the head to the chest of a woman, is indeed full of paradoxes, as shown by Makhlof (in Juneman, 2011):

"Even though the *jilbab* is a limitation of communication (she is also a symbol), a means of communication and the *jilbab* certainly creates an obstacle to the free expression of women as a person (but the *jilbab* also enhances) self-expression and femininity."

The author agrees with Makhlof, that the *jilbab* is full of paradoxes. On the one hand, the *jilbab* is considered a barrier in communication, but it is also a symbol of non-verbal communication. Then, the *jilbab* also becomes a barrier to women's free expression. However, for some other women, the *jilbab* is an enhancer of self-expression and a symbol of femininity. The simple *jilbab* has various meanings and human efforts to interpret it. The author interprets the *jilbab* as a cultural product reinforced by religious advice with reasons for protection or welfare. However, the author disagrees that the *jilbab* is used as a starting point for one's religious level. There is no guarantee that those who wear the *jilbab* are pious women; conversely, women who do not are not pious women. This is because the *jilbab* is not synonymous with one's piety and piety. The social construction gives the "label" to the *jilbab*.

Even though wearing or not wearing the *jilbab* is a choice, Islam has clearly regulated how to interact with humans (*hablumunnas*). So, if we choose not to wear a *jilbab*, we

should still socialize and behave as stipulated in the Shari'a. Meanwhile, for those who choose to wear the jilbab, their actions must be in line with the clothing they choose, namely clothing that aims to fortify themselves from temptations that could be disturbing.

Apart from that, women who choose to wear or not wear it should study and find out about the arguments surrounding the jilbab. So that what will be chosen is not an empty choice without meaning.

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