

Analysis of Sheikh Yusuf Al-Qardhawi's View on Ikhtilat from the Perspective of Sadd al-Zari'ah

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ABSTRACT

This article examines Sheikh Yusuf Al-Qardhawi's views on the concept of ikhtilat from the perspective of sadd al-zari'ah, a preventive principle in Islamic jurisprudence aimed at closing the doors to harm or damage. This study is qualitative in nature, employing a library research method within normative Islamic legal research, using a conceptual approach or an analysis of the scholar's thought. The research is descriptive-analytical. The results reveal that, according to Yusuf Al-Qardhawi, the default ruling on gatherings between men and women (ikhtilat) is permissible. However, the ruling can vary depending on the surrounding circumstances. The permissibility of ikhtilat gatherings is also subject to several conditions, including: guarding one's gaze, covering the aurat (parts of the body that should be covered), avoiding conspicuous appearance, preventing seclusion (khalwat), and limiting the gathering strictly to necessary purposes. Al-Qardhawi's view on the permissibility of ikhtilat is based on the principle of sadd al-zari'ah.

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1. INTRODUCTION

Islam came with teachings that serve as a guide for human life. Its scope extends beyond the relationship between humans and God; it also encompasses all aspects of human relationships, from small-scale interactions such as family to larger relationships within society. The vision of rahmatan lil'alamin (blessing for the universe) promoted by Islam, particularly in human relations, is sought to be realized through the principles of justice, equality, togetherness, freedom, and respect for the rights of others [1].

Islam has placed each individual in a position of honor, men and women alike, all given proportional rights and obligations. Women, with their feminine instincts, are bestowed with love and compassion to carry out their primary duties as wives to their husbands and mothers to their children. Meanwhile, men, with their masculine qualities, are entrusted with the task of caring for and protecting their families [2].

Social relations affirm that women are part of society. As social beings, women will always need relationships and interactions with others. Furthermore, their status as members of society encourages

them to play an active role in humanitarian causes. The inherent potential within each person needs to be given proportional space and time to be actualized. This means that women need to be given the right to actualize themselves in public activities. At the same time, women are also expected to genuinely provide for the needs of their husbands and children [3].

Today's social reality demonstrates how human tendencies toward economic work activities are increasingly strong and intense. The human struggle to obtain the necessities of life and, for some, the pursuit of materialistic-consumptive pleasures has affected almost everyone, both men and women. This phenomenon is increasingly evident in the current industrial era. Social reality also shows that the pursuit of economic pleasure and "a bite to eat" by women, both single and married, is increasing over time. Inevitably, these latter women (wives) must, in turn, undertake double work. In addition to teaching their husbands and children, they also earn a living outside the home.

This will create problems when compared with religious texts (the traditional texts used as references), which tend to limit women's activities. One problem that arises when women engage in activities outside the home is *ikhtilat* (restrictions on women's activities). In classical texts, we often encounter *ikhtilaf* as a pretext for limiting women's activities outside the home, even to just going to the mosque.

Apart from that, the attitude taken by the *ulama* is also based on the principle of *sadd al-dzari'ah*, which is a preventive measure to cover bad possibilities that could occur. Women's activities that are carried out freely outside the home do raise suspicions about the potential that could lead them to adultery and *muqaddimah*. Therefore, clerics limit women's activities outside the home to maintain their honor as women.

Scholars are not unanimous in their views on the issue of women's activities outside the home. Some are strict and tend to "confine" women within the home, others are moderate, and still others are too lenient,

wanting women to freely actualize themselves in the social arena. According to Quraish Shihab, in his book "Women," the dominant ideas regarding women are polarized into at least two camps. The first camp consists of those who are overly cynical and prejudiced against women, severely limiting their scope of activity. Quraish Shihab terms this camp the "old bias." The other camp is those who want women to leave their "nest" and want them to be as free as possible. This camp exists as the antithesis of conservative views, which have subsequently been termed the "new bias" [4].

Yusuf al-Qardhawi also perceived two clashing schools of thought regarding women's issues, not unlike Quraish Shihab's, and he also created a polarization of thought regarding this issue. Yusuf al-Qardhawi termed this *ifraṭh* (excessive) and *tafrith* (neglecting/too lax). He argued that women should not be denied their rights to socialize and engage in activities outside the home. When it was common practice to restrict women from knowledge and marginalize them from life, then, according to Yusuf al-Qardhawi, the main triggers were ignorance and extremism, as well as being too slow to keep up with modern developments [5].

As a contemporary Muslim scholar who adheres to the concepts of moderation and *taysir*, Yusuf al-Qardhawi disagrees with views that consider women as the root of all corruption, thus denying them the space to freely engage in activities. The principles of *sadd al-dzari'ah* and *ihtiyath* are often used as a pretext to marginalize women. For Yusuf al-Qardhawi, excessive concern is not recommended by Sharia, especially to legitimize a legal decision. The primary reference used to judge something is evidence, not a subjective sense of caution.

Women fear slander and conflict. Furthermore, he strongly condemned groups that advocated for women's freedom to express themselves as freely as possible. Al-Qaradawi considered this to be nothing more than a ploy to exclude women from the confines of sharia so they could enjoy their beauty and femininity.

Based on this background, the author

is interested in researching the views of Sheikh Yusuf al-Qardhawi regarding ikhtilaf, especially when viewed from the Sadd al-Dzari'ah approach. The above perspective is a separate reason for the researcher to conduct a study or discourse on "Analysis of Sheikh Yusuf Al-Qordhowi's Views Regarding Ikhtilaf from the Sadd al-Dzariah Perspective", as the context of the problem that is the focus and locus of this research.

2. LITERATURE REVIEW

2.1 Yusuf Al-Qordhowi

Yusuf al-Qaradawi (September 9, 1926 – September 26, 2022) was an Egyptian Islamic scholar living in Doha, Qatar, and chairman of the International Union of Muslim Scholars. His influences included those of Ibn Taymiyyah, Ibn Qayyim, Sayyid Rashid Rida, Hassan al-Banna, Abu Hasan Ali Hasani Nadwi, Abu A'la Maududi, and Naeem Siddiqui. He is best known for his program *الشرعية الحياة*, *ash-Sharī'ah wa al-Hayāh* ("Sharia and Life"), broadcast on Al Jazeera, which has an estimated audience of 40–60 million worldwide. He is also known for IslamOnline, a website he helped found in 1997, and where he served as chief religious scholar [6].

Al-Qaradawi has published more than 120 books, including *Halal and Haram in Islam*, *Fiqh al-Zakat* (The Fiqhic Laws of Zakat), and *Islam: The Civilization of the Future*. He has also received eight international awards for his contributions to Islamic scholarship and is considered one of the most influential Islamic scholars living today. Al-Qaradawi has long played a key role in the intellectual leadership of the Muslim Brotherhood, an Egyptian political organization, although he has repeatedly stated that he is no longer a member and twice (in 1976 and 2004) turned down offers for official roles within the organization [6].

2.2 Ikhtilath

Ikhtilat is a mixture of men and women who are not mahram, either

individually or in groups, without a clear goal. Or in another sense, the category of ikhtilath action is when it is carried out by two mukallaf of different genders (male and female), not husband and wife, and halal marriage (meaning not people who are in a mahram relationship) [7].

2.3 Sadd al-Dzariah

The word sadd al-dzari'ah is a form of idhafah phrase consisting of two words, namely sad (سد) and (الذريعة). The word sadd means that which (سد – يسد – سد) from the masdar covers something defective or damaged. While al-dzari'ah is a noun (isim), the singular form of which means wasilah (intermediary), the plural form of al-dzari'ah is al-dzara'I [8].

According to al-Qarafi, sadd adz-dzari'ah is cutting the path of damage (mafsadah) as a way to avoid that damage. Even though an act is free from elements of damage (mafsadah), if the act is a way or means of causing damage (mafsadah), then we must prevent the act. According to Asy-Syaukani, adzdzari'ah is a problem or matter that is permissible but will lead to prohibited actions (al-mahzhur). In his work *al-Muwafat*, ash-Syatibi states that sadd adz-dzari'ah is rejecting something permissible (jaiz) so as not to lead to something that is prohibited (mamnu').

3. METHODS

The research includes qualitative research using library research methods (literature studies) in normative Islamic law research with a conceptual approach or study of the thoughts of figures. This research is descriptive-analytical because it is projected to describe the ikhtilath according to the views of Sheikh Yusuf al-Qardhawi while analyzing it using the Sadd al-Dzariah approach in order to conduct a discourse review on the Analysis of Sheikh Yusuf Al-Qardhawi's Views Regarding Ikhtilath from the Sadd al-Dzariah Perspective.

4. RESULTS AND DISCUSSION

4.1 Results

According to Yusuf al-Qardhawi, the basic law for gatherings between men and women is permissible. However, the law can change depending on the circumstances. The permissibility of gatherings is also limited by several restrictions, including: lowering the gaze, covering the genitals, avoiding conspicuous clothing, not leading to seclusion, and only engaging in necessary activities.

Al-Qardhawi's view on the permissibility of *ikhtilat* (religious conflict) aligns with the principle of *sad al-zari'ah* (fair dealing). This is evident in the restrictions he established for women when engaging in activities outside the home. These restrictions can minimize the possibility of undesirable events occurring to women during social interactions, especially with the opposite sex.

4.2 Discussion

a. Biography of Sheikh Yusuf al-Qardhawi

Yusuf al-Qardhawi was born with the full name Yusuf bin Abdullah bin Ali bin Yusuf al-Qardhawi. He was born in the village of Sharf at-Turab, Western Egypt, on September 9, 1926. The village is located between the city of Thantha (21 kilometers) and the city of al-Mahallah al-Kubra (9 kilometers), a famous district in the province of al-Gharbiyyah, which is the place where one of the Prophet's companions was buried, namely Abdullah bin Harith ra [9].

He was born into a simple and religious family. His father died when he was two years old, and his mother when he was fifteen. Since being

orphaned, he lived with his uncle (his father's brother). Under his uncle's care, Yusuf Qardhawi was treated like his own son, cared for, educated, and equipped with knowledge.

Living in a religious environment and receiving the excellent attention of his uncle, Yusuf Qaradawi, began seriously memorizing the Quran at the age of five and completed it by the age of ten. His formal education began at the Al-Azhar Islamic educational institution near his hometown, which only accepted students who had already memorized the Quran. It was there that the young Qaradawi began to explore the depths of Islamic knowledge under the guidance of his teachers [10].

During his childhood, Qardhawi's life was marked by two scholars who had the greatest impact on his life: Sheikh Al-Battah (a scholar who was an alumnus of Al-Azhar in his village) and Ustadz Hasan al-Banna. For Qardhawi, Sheikh al-Battah was the first to introduce him to the world of Islamic jurisprudence, especially the Maliki school, and to bring him to Al-Azhar. Meanwhile, Sheikh al-Banna taught him how to live in a congregation, especially in carrying out his mission of preaching. Regarding al-Banna's influence on his spiritual and intellectual world, he once said, "Among the people who have had the greatest influence on our spiritual and intellectual world is Sheikh al-Shahid al-Banna" [10].

After graduating from that madrasah, he continued his studies at the Thantha Elementary Madrasah, which he completed in four years. He then moved to the Tsanawiyah

Madrasah, where he studied for five years. After graduating from high school, he continued his studies at the Faculty of Islamic Theology at Al-Azhar University. Yusuf Qordhawi's intelligence began to be seen when he completed his education at the Faculty of Islamic Theology at Al-Azhar with summa cum laude honors in 1953. Yusuf Qordhawi then continued his education by majoring in Arabic for two years. Then he continued his education at the Higher Institute for Research and Studies on Islamic Issues and Their Development for three years. In 1960, Yusuf Qordhawi entered a postgraduate program at Al-Azhar University in Cairo, majoring in Hadith Interpretation. He only obtained his doctoral degree in 1972 with a dissertation entitled "Zakat and its Impact on Poverty Alleviation", which was later refined into *Fiqh Zakat* [11].

Yusuf Qaradawi began his career as a preacher and teacher in various mosques. He later became a supervisor at the Imams' Academy under the Egyptian Ministry of Endowments. He then moved to the General Administration for Islamic Cultural Affairs at Al-Azhar, where he oversaw printing and all technical work related to da'wah. Yusuf Qaradawi played a significant role in the development of education in Qatar since 1961, combining ancient traditions with modernity. He established the Islamic Studies Department at the Faculty of Education, the forerunner of Qatar University, and served on the founding board of the Sunnah and Seerah

of the Prophet's research center. In 1990/1991, he was appointed chairman of the Scientific Council of all universities in Qatar. Qaradawi also received numerous international awards for his contributions to Islam, science, banking, and Islamic jurisprudence.

b. Sheikh Yusuf al-Qordhawi's opinion regarding Ikhtilat

In this matter, Yusuf al-Qordhi disagrees with the term *ikhtilat*. For him, the term *ikhtilat* is a foreign word that was never used during the time of the Salaf as-Salih. This is based on the activities of the Companions and Tabiin, which often involved women and even involved direct contact between them, but this was not prohibited. Furthermore, the basic meaning of the word *ikhtilat* is to dissolve, as salt or sugar dissolves when mixed with water [12]. In the context of social interaction between men and women, he prefers to use the terms *liqa'* or *musyarokah*. He considers these two terms to be more value-free and therefore will produce more objective laws than the word *ikhtilat*, which tends to have negative connotations.

According to Qordhowi, the equivalent term for *ikhtilat* is free association. This is because the basic meaning of *ikhtilat* is to dissolve or mix. This is why Qordhowi prefers the term *liqo'* to refer to gatherings in public places. However, not all *ikhtilat* fit the term free association, as some forms of *ikhtilat* do not lead to free association, such as gatherings in mosques, markets, schools, and so on.

c. The concept of Sadd al-lari'ah

Sadd al-zarai'in, Arabic,

which is composed of two words, namely the word Sadd on one side and the word al-zarai' on the other side. The word sadd can be interpreted as preventing (al-man'u = Prevent and al-hasmu = Guard) while the word adz-dzarai' is the plural form of the word al-zari'ah, which has the meaning of at-taharruk wa al-imtidad, namely something that has a reference to change. In Arabic, the word al-zari'ah can be used in situations or things as follows: [13]

1. The Arab community can use al-zari'ah with the meaning of "because" with the expression "fulanun zari'ati ilaika," meaning someone caused me to come to you.
2. As they say with dzariah, which contains the meaning of intermediary, namely: faman tadzarra'a bidzari'atin faqad tawassala biwasilatin.
3. The word al-zari'ah can also be interpreted as a camel that is made as a hiding place for archers so that the archers can shoot prey from close range.
4. The word al-zari'ah is also usually interpreted as a halaqoh or group of people who are practicing archery.

In terms of terminology, Sheikh Hisham Burhani established two meanings often used by scholars in defining al-zari'ah: the meaning of 'aam' and the meaning of khosh [14]. Al-zari'ah, with the meaning of 'aam', is something that acts as an intermediary to another thing. The meaning of khosh of al-zari'ah itself is an activity that is not inherently prohibited but has a strong potential to lead to prohibited things. Therefore,

from the above definition, it can be concluded that sad al-zari'ah means closing the path that can lead to prohibited things [15].

From the definition above, it can be concluded that al-Zari'ah has three elements (read: pillars). First, an intermediary, or required means, must be something that is not inherently prohibited. Second, there is the potential to connect the means with the prohibited act (al-mutawassal ilaihi). Third, al-mutawassal ilaihi, which is the prohibited act.

The main objective of the basic concept of sadd al-zari'ah is to create a benefit and prevent harm. Therefore, Sadd adz-dzara'i is like a reinforcement of the concept of maslahah mursalah, which has been specifically applied as part of mashadirtasyri' by Imam Malik ibn Anas and Imam Ahmad ibn Hanbal. So it is not surprising that the schools that use the concept of al-zari'ah as one of mashadirtasyri' are adherents of the Maliki and Hanbali schools. However, it turns out that Imam Malik tends to practice it more than Imam Ahmad ibn Hanbal. The argument they use to legitimize their views is the word of Allah SWT. QS al-An'am: 108.

ولا تسبوا الذين يدعون من دون الله فيسبوا الله عدوا بغير علم

"And do not insult those whom they worship besides Allah, lest they insult Allah without limit without knowledge."

In this verse, Allah forbids Muslims from cursing polytheists or the god they worship. Because this action will cause them to curse Allah SWT in return.

Apart from verses from

the Koran, several hadiths of the Prophet can be used as a basis for the validity of sadd al-zari'ah, including the hadith narrated by Imam Bukhari and Muslim regarding the prohibition on insulting other people's parents, fearing that the person will retaliate against insults against their parents. He saw, said:

إِنَّ مِنْ أَكْبَرِ الْكَبَائِرِ أَنْ يَلْعَنَ الرَّجُلُ وَالِدَيْهِ قِيلَ: يَا رَسُولَ اللَّهِ، وَكَيْفَ يَلْعَنُ الرَّجُلُ وَالِدَيْهِ؟ قَالَ: يَسُبُّ الرَّجُلُ أَبَا الرَّجُلِ، فَيَسُبُّ أَبَاهُ، وَيَسُبُّ أُمَّهُ

"Indeed, the biggest sin is for someone to curse his parents. Then the Messenger of Allah was asked by people, O Messenger of Allah, how can someone curse his parents and mother? The Prophet answered: Someone insults another person's father, then that person also insults his father, and if someone insults another person's mother, then that person will also insult his mother." (HR Bukhari, Muslim and Abu Dawud).

Sadd al-Zari'ah is not only owned and used by the Maliki and Hanbali schools of thought. However, the Hanafi and Shafi'i schools also apply the spirit of sad al-zari'ah in several places. This is emphasized by Imam al-Qorofi in his book al-Furuq, which states that al-zari'ah is of three types. First, something that is agreed upon as haram, such as digging a hole in the middle of the road. Second, something that is agreed upon as permissible, such as planting grapevines (for fear that the fruit will be made into alcohol). Third, the law is still disputed, such as looking at women, buying and selling on credit, and so on [16].

Although Shafiiyah and Hanafiyah scholars do not accept sadd al-zari'ah as al-aslu or

masadir al-ahkam, in some cases, they establish laws that are in line with the principles of sadd al-zari'ah. This is evident from the rules of jurisprudence compiled by Syafi'iyah and Hanafiyah scholars, such as the rules regarding the legal provisions of wasilah with its various editorials. Imam Syafi'i, for example, in the book al-Umm forbids someone from preventing the flow of water into gardens or rice fields. According to him, this will be a means (al-zari'ah) to prevent the acquisition of something that is permitted by Allah SWT and also al-zari'ah to the act of forbidding something that is permitted by Allah. Even though water is a blessing from Allah SWT, it can be accessed by anyone [17]. Likewise, in the matter of fasting, people who do not fast because they are excused must not eat in front of people who do not know their excuse, so that they avoid slander. Imam Syafi'i fatwawed these examples based on the principle of sadd al-zari'ah.

d. Analysis of Yusuf al-Qordowi's Views Regarding Ikhtilat Using the Sadd az-dzari'ah Approach

As a Muslim scholar with broad insight, Yusuf al-Qordowi strives to provide precise and solution-oriented answers to various issues and problems faced by society. Precise means he will strive to understand the problem by referring to the primary sources (the Quran and Hadith) without ignoring the context, and solution-oriented means he will always seek answer options that offer the best solution while remaining within the corridors of Sharia. His method makes every

answer and view easily accepted by the general public due to the concept of taysir (ease) that he always emphasizes. According to him, differences in furuiyah issues will continue to flourish and can be tolerated as long as there is no qoth'i evidence explaining the law.

Al-Qardhawi strongly condemned views that forbid women from leaving the home, even for religious purposes, such as going to the mosque or madrasah. Such views constitute extreme and excessive religious practices. One of the grounds used by some Muslim scholars for requiring women to remain at home is Allah SWT's statement in Surah al-Ahzab, verse 33:

وَقَرْنَ فِي بُيُوتِكُنَّ وَلَا تَبَرَّجْنَ تَبَرُّجَ الْجَاهِلِيَّةِ الْأُولَى

"And you should stay in your house and do not decorate and behave like the behavior of ignorant people in the past."

According to al-Qardhawi, this verse is directed only at the Prophet's wives, as stated in the verse. Apart from that, the verse also indicates that women are allowed to go out and do activities outside the home, provided they maintain their presence as Muslim women. One of the manners emphasized by the verse above is the prohibition on dressing up and behaving (tabarruj) as was done by women in the jahiliyah era.

Those who are overly strict in matters of ikhtilaf certainly limit women's activities outside the home. Al-Qaradawi refutes this view, which seems to marginalize and subordinate women. He argues that there are numerous verses that illustrate women's activities and

participation in social life during the Prophet's time. These include:

لَا تَمْنَعُوا النِّسَاءَ حُطُوطَهُنَّ مِنَ الْمَسَاجِدِ، إِذَا اسْتَأْذَنُوكُمْ، فَقَالَ بِلَالٌ: وَاللَّهِ، لَمَنْعُهُنَّ. فَقَالَ لَهُ عَبْدُ اللَّهِ: اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ أَنْتَ: "لَمْ نَمْنَعْهُنَّ"

"Do not forbid women from getting their share of the mosque when they ask you for permission." Then Bilal bin Abdillah bin Umr RA. said, "By Allah, we will forbid them". Abdullah bin Umar said, "I said to him (to Bilal): Rasullullah has said so (not to forbid women from going to the mosque) while you said: I will forbid them [18].

The hadith above implies an understanding of Abdullah ibn Umar's displeasure with his son (Bilal ibn Abdullah ibn Umar) preventing women from attending the mosque. This is despite the Prophet (peace be upon him) forbidding women from receiving their share in the mosque. Imam an-Nawawi commented in his book, Sharh an-Nawawi, that the prohibition contained in the hadith is directed towards the makruh tanzih (reprehensible) law when the woman is married and goes out while maintaining established etiquette. However, when the woman is not yet a wife or a slave, it is unlawful to prevent her from attending the mosque, provided she fulfills the requirements for proper etiquette for a Muslim woman [19]. Among the manners and etiquette that women must follow when going to the mosque are not wearing stimulating perfumes, not dressing up, not wearing flashy jewelry, and other things that women must avoid because they have the potential to lead to slander [20].

Imam Ibn Hajar al-Asqolani disagreed with the istidlal (Islamic law) issued by scholars who strictly forbade women from attending the mosque based on the above atsar. He acknowledged the condition of society, especially women at that time, who were already bold enough to display their existence in public with conspicuous makeup and appearances, which were prohibited by religion. However, we must be able to think proportionally in this matter. This does not mean that the existence of some women who display conspicuous appearances (tabarruj) will be judged haram for all women to worship at the mosque. Furthermore, Siti Aisyah (ra) did not explicitly mention a prohibition on this matter; the prohibition is understood from her statement related to a case based on her suspicion. Therefore, Siti Aisyah's statement cannot change the legal status of women's permissibility in attending the mosque [21].

Apart from that, Allah SWT also knows all about what women will do after the death of the Prophet SAW. So, why does Allah SWT? Didn't it reveal to the Prophet to forbid women from leaving the house? And if women's behavior after the death of the Prophet meant that they were prohibited from coming to the mosque, then their presence in the market should also be more prohibited, but in fact, Siti Aisyah only mentioned the prohibition on going to the mosque [21].

Al-Qarhawi also mentioned that women during

the Prophet's time were accustomed to activities outside the home. Imam al-Bukhari, in his monumental book of hadith, devoted a special chapter to women going out to meet their needs. Interpreters of the book, such as Ibn Batthal, al-Asqolani, Ibn Asyur, and others, explained that women were permitted to leave the home to meet their needs. However, this was permitted only to the extent of their needs, and they must maintain their manners and dignity.

Although al-Qaradawi disagreed with views he considered stagnant and conservative, he also strongly criticized the views of some who wanted women to engage in activities as freely as possible without regard to religious guidelines. Al-Qaradawi considered their efforts to liberate women (as freely as possible) as a well-structured, hidden plan to allow them to enjoy the beauty and femininity of women. Of course, this cannot be achieved except by freeing them from the bonds and rules of religion. However, it is undeniable that the impact of promiscuity on life is very significant, including the occurrence of moral decadence, children born without clear parental status, the spread of dangerous diseases such as HIV-AIDS, and other negative impacts.

On this issue, Yusuf al-Qordhawi claims to be in the middle, neither too loose nor too strict. He believes that not all ikhtilat are forbidden, just as not all ikhtilat are permitted. The legal provisions depend on the form and motive behind the

ikhtilat.

To measure the truth of the coherence of al-Qarhawi's views using the sadd al-zari'ah perspective, it is necessary to confirm first the position of ikhtilat as az-zarai'. Referring to the definition of az-zarai' that has been put forward by the ulama, ikhtilat or meeting between men and women is az-zarai'. This is because az-zarai' itself is a matter that is permissible to do. In this case, Imam an-Nawawi also explained that not all ikhtilat lead to haram laws. He will be deemed haram if the ikhtilat (meeting) contains elements of khalwat (being together). This means that ikhtilat carried out without elements of seclusion is permissible. In the Sadd adz-dzariah theory itself, the terms wereail (intermediary) and maqasid (goal) are known. Every intermediary is free of value before he becomes an intermediary. It will be given legal value if it is related to the goal (maqasid). Intermediary in haram matters is haram, intermediary in obligatory matters is obligatory, intermediary in recommended matters is recommended, and so on.

According to Dr. Wahbah az-Zuhaili, two aspects serve as guidelines for analyzing az-zarai': [22]

- a. Looking at the motives that drive a person to commit an act, for example, someone enters into a marriage contract not to comply with the guidance of sharia, but with the purpose of the contract is for things that are forbidden. For example, someone enters into a

marriage contract not to build a lasting family, but to make a woman who has been divorced three times by her husband permissible so that she can be remarried later by her first husband. Another example is someone enters into a sale and purchase transaction but does not intend to transfer ownership rights to the traded commodity, but rather to engineer usury (حيلة). When indications are found that show the existence of prohibited intentions, as in the examples above, in addition to the perpetrator being sinful, the contract is also ruled void because of the motive behind the contract.

- b. Looking at the consequences of an action without having to look at the motive and intention of the perpetrator. If the impact or consequence of an action is something that is prohibited or mafsadat, then the action must be prevented. However, if the impact of an action is often beneficial, then the action is required by Sharia. This analytical model does not look at the motive behind the action, but looks at the resulting outcome. Regarding intention, whether a person's intention or motive when acting is good or bad will be rewarded/rewarded by Allah SWT in the afterlife. An example is Allah SWT's prohibition on Muslims from cursing the idols of infidels. Although the intention of those who curse the idols is sincere for Allah, Allah SWT

still forbids it because such insults usually result in backlash from the polytheists against Allah SWT.

Ikhtilat between men and women, when viewed from the perspective of sadd al-zari'ah, is an intermediary that can result in things that are prohibited in religion, such as being alone with the opposite sex who are not mahram, exposing one's private parts, and the worst impact is adultery. However, not all ikhtilat contain the same potential for adultery and its muqaddimah, such as gathering (ikhtilat) during congregational prayers in the mosque, studying, attending recitations, or other useful activities which have little chance of resulting in adultery. So that it is not prohibited to consider these things, considering that the potential benefits are small, while the potential benefits are large. This is in line with the words of Ibn Qayyim al-Jauziyah in the book I'lam al-Muwaqqi'in:

ما حرم سدا للزريعة ابيح لمصلحة الراجحة

"Something that is prohibited based on the concept of sadd al-zari'ah will be permitted when there is a more dominant benefit" [23].

In the book Zaad al-Ma'ad, Ibn al-Qayyim emphasizes that not all laws based on Sadd al-Zari'ah are haram. According to him, Saad Az-Zariah can be applied if it does not conflict with superior needs and benefits. If there is a conflict between sadd az-zariah and benefit, then benefit is the priority. He said,

إِذَا عَارِضَةُ مَصْلَحَةٍ رَاجِحَةٌ قُدِّمَتْ عَلَيْهِ

"If sad al-zariah conflicts with a superior benefit, then that

benefit takes precedence" [24].

In line with Ibn al-Qayyim's statement above, al-Qarafi explained that the legal provisions for intermediaries depend on the potential consequences. This means that when an action has the potential to lead to a forbidden act, it should also be forbidden. Similarly, when the action can lead to an obligation, it is obligatory, and so on. However, intermediaries leading to a forbidden act are not always forbidden. They become legally permissible when the forbidden means conflict with a superior good [25]. This is solely aimed at preserving the good, which is the primary goal of upholding Islamic law.

The concept of ikhtilat offered by al-Qardhawi is more closely associated with meetings and encounters between members of the opposite sex, which are not forbidden. A meeting is considered haram if it results in things prohibited by religion, such as exposing private parts, being alone in a secluded place, and so on. However, on the other hand, direct contact in the form of meetings is essential, considering that humans are social creatures who cannot live alone. Therefore, a meeting (ikhtilat), even though it has the potential to lead to forbidden actions, can be transformed into permissible and even recommended because several needs and benefits must be realized.

This provision aligns with the principle of implementing sad al-zari'ah, which states that it cannot be applied when it conflicts with the public interest. In this case,

gatherings or ikhtilat (social gatherings) held in mosques, schools, universities, zikir assemblies, and other public places are permitted because there is a benefit to be gained from these activities. Although such activities sometimes involve women, resulting in them being in the same room as men, the potential for committing religiously prohibited acts is minimal. This is possible because these gatherings occur in mosques or madrasas, where there are many people, thus minimizing the possibility of undesirable events. Furthermore, when calculating the benefit achieved against the potential for leading to forbidden matters, the benefit is superior. Therefore, based on the principle of implementing sad az-zariah, such gatherings are permissible.

This is different from ikhtilat gatherings that occur in bars, discos, or other places that are strongly suspected of being dens of immorality. Al-Qardhawi strictly forbids similar gatherings because they are very close to things that are prohibited by religion, such as drinking alcohol, adultery, and so on. He strongly criticized people who were too loose on this issue and considered it one of the ways they were trying to enjoy the feminine side of women. Such roads need to be closed tightly because the potential for falling into immoral matters is very large, as desired by the concept of sad al-zari'ah.

However, it's important to emphasize that permissibility doesn't necessarily mean necessity. This means that although al-Qardhawi issued a

fatwa permitting ikhtilat (community prayer) when attending the mosque, he acknowledged that praying at home is preferable for women over praying in the mosque. This is further supported by the Prophet's hadith. Furthermore, women's activities and professions outside the home, which often lead to ikhtilat, although legal, must still maintain their manners and dignity as women. It's also important to note that there are several limitations for women when engaging in activities or professions outside the home, including:

- a. The type of work should not be prohibited, meaning that basically the work is not forbidden and does not lead to forbidden acts. Such as working as a maid to someone who is not married or a special secretary for a director then being alone, a dancer who arouses lust and worldly desires, working in bars that serve alcohol which is cursed by the Prophet Muhammad SAW both those who make, carry and sell it, being a flight attendant on an airplane which requires wearing a uniform that is not sharia and is open to the possibility of danger due to traveling far without a mahram which requires him to spend the night alone in a strange place (foreign country) which is partly not guaranteed, or other jobs that have been forbidden by Islam for women in particular, or men and women together.
- b. When working outside the home, women should be able

to maintain their honor and must continue to behave according to the provisions set by Sharia, both in speaking, appearance, walking, and so on.

- c. Her work should not compromise her other obligations, which should not be neglected, such as her obligations to her husband and children, which are her primary and fundamental obligations.

Although Qaradawi's views on ikhtilat seem lenient, upon further examination, he establishes quite strict boundaries that must be adhered to when meeting with the opposite sex. These boundaries include covering the aurat (awrah), not being alone in secluded places, maintaining a low gaze, meeting only for necessary purposes, and so on. Besides being based on Islamic teachings, these boundaries are also designed to maintain a woman's chastity. He allows women to socialize as social beings but opposes promiscuity, which is suspected to be a source of moral decline. His views align with the Sadd al-Zari'ah procedure, which is the reference for most scholars in declaring ikhtilat haram (forbidden). In the Sadd al-Zari'ah concept, when an intermediary is suspected of having a strong potential to lead

to unlawful acts, it is also prohibited. However, if the intermediary has little potential to lead to unlawful acts, it is permitted.

5. CONCLUSION

Based on the description and analysis presented in the previous chapter regarding ikhtilat or association between men and women according to al-Qardhawi, the author can draw the following conclusions:

- a. According to Yusuf al-Qardhawi, holding associations between men and women is permissible. However, the law can change according to the conditions surrounding it. The ability to hold gatherings (ikhtilat) is also limited by several restrictions, including:
 - 1) Keeping a lookout
 - 2) Covering the genitals
 - 3) Not flashy in appearance
 - 4) Not to the point of khalwat happening
 - 5) Done only as needed
- b. Al-Qardhawi's view on the permissibility of ikhtilat (religious conflict) aligns with the principle of sad al-zari'ah (fair dealing). This is evident in the restrictions he established for women when engaging in activities outside the home. These restrictions can minimize the possibility of undesirable events occurring to women during social interactions, especially with the opposite sex.

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