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A Critical Study on Work Attire for Female Medical Personnel in Regards to MUI Decree Number 4 of 2009

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ABSTRACT ENGLISH:

Covering the entire body except for the face and palms is the rule of *aurat* for Muslim women according to Islam, that aimed at preserving their dignity and honour. However, certain professions require Muslim women to expose some of their forearms, leading to the issuance of a decree by the Indonesian Ulema Council (MUI) regarding its permissibility. This paper aims to critically analyse the MUI decree on the attire of female medical personnel and provide alternative solutions to ensure that they do not expose any part of their *aurat*. This paper is a literature review utilizing content analysis. The findings of this paper indicate that the MUI decree number 4 concerning the attire of female medical personnel in 2009 contains two decisions: one regarding the ideal coverage of *aurat* for women and another regarding the permissibility of exposing some parts of the *aurat* during duty. The Sharia objectives contained in the first decision are aimed at preserving religion and life, while those in the second decision are aimed at safeguarding life and property. A solution to prevent female medical personnel from exposing their forearms is by using long sleeves or gloves. The implication of this paper is that MUI is expected to provide alternative options to maintain *aurat* in any circumstance.

Keywords: Women, Aurat, MUI, Female Medical Personnel.

ABSTRACT INDONESIAN:

Menutup seluruh tubuh kecuali wajah dan telapak tangan adalah aturan aurat bagi perempuan Muslimah menurut Islam dalam rangka menjaga kemuliaan dan kehormatannya. Namun demikian, dalam pekerjaan tertentu menuntut perempuan muslim untuk membuka sebagian lengannya sehingga MUI mengeluarkan fatwa tentang kebolehannya. Tulisan ini bertujuan untuk menganalisis secara kritis fatwa MUI tentang pakaian tenaga medis perempuan dan memberikan alternatif solusi agar tenaga medis tersebut tidak membuka sebagian auratnya. Tulisan ini merupakan kajian pustaka yang menggunakan analisis isi dalam analisisnya. Hasil tulisan ini menunjukkan bahwa fatwa MUI nomor 4 tentang pakaian tenaga medis perempuan tahun 2009 mengandung dua putusan, yaitu tentang aurat perempuan yang seharusnya dan tentang kebolehan membuka sebagian aurat ketika menjalankan tugas. *Maqasid* syariah yang terkandung pada putusan pertama adalah dalam rangka menjaga agama dan jiwa, sedangkan *maqasid* pada putusan kedua dalam rangka menjaga jiwa dan harta. Solusi yang bisa dilakukan agar tenaga medis perempuan tidak membuka sebagian lengannya adalah dengan menggunakan manset atau sarung tangan panjang. Implikasi dari tulisan ini adalah diharapkan MUI memberikan alternatif pilihan untuk tetap menjaga aurat dalam kondisi apa pun.

Kata Kunci: Wanita, Aurat, MUI, Tenaga Medis Wanita.

Introduction

Women are unique and beautiful creatures (Katni, 2016), where each part of their body holds its own attractiveness to the opposite sex, thus necessitating rules to cover their *aurat* (intimate parts). Fundamentally, the obligation to cover *aurat*, especially for women, is a form of honoring and respecting themselves (Alawiyah et al., 2020; Iskandar & Adj, 2022), to prevent them from being easily harassed by men and to protect them from unwanted actions such as sexual harassment, rape, and adultery (Iskandar & Adj, 2022). The consensus among scholars regarding the boundaries of covering *aurat* for women is the entire body except for the face and palms (Ipandang, 2020).

However, Muslim female medical personnel face significant challenges related to dress code policies, particularly concerning the wearing of headscarves (hijabs) while adhering to sterility guidelines in the operating room (Khatun et al., 2021) and adherence to bare below the elbows (BBE) policies. Studies have shown that many Muslim women experience difficulties wearing hijabs in operating theatres, leading to feelings of anxiety, embarrassment, and even bullying (Malik et al., 2019). The BBE policy often conflicts with religious requirements to cover arms, causing dissatisfaction among Muslim healthcare workers (Malik et al., 2019; Saidun et al., 2018). These issues can impact career choices, with some women opting for primary care over hospital specialties due to dress code concerns (Malik et al., 2019). Muslim women wearing hijabs also report lower expectations of receiving job offers, especially in high-status occupations (Ghumman & Jackson, 2010). Additionally, religious discrimination in the workplace has been observed, affecting employment opportunities and daily religious practices (Kareem & Adeogun, 2020). Developing guidelines that balance clinical and Islamic standards could help address these challenges (Saidun et al., 2018).

In Islam, the obligation for women to cover their *aurat* applies when they are in the presence of non-*mahram* men, whether at home or outside, including in the workplace. However, in certain types of jobs, this obligation is sometimes difficult to fulfil completely, as agreed upon by the majority of scholars. This is particularly relevant in professions such as medical personnel, where work conditions may require wearing short-sleeved clothing to prevent the transmission of diseases from patients under their care.

In response to this situation, the Indonesian Ulema Council (MUI) issued a *fatwa* allowing female medical personnel to expose part of their arms up to the elbows while on duty due to urgent medical needs (Fatwa MUI Tentang Pakaian Kerja Bagi Tenaga Medis Perempuan, 2009). This *fatwa* provides clear boundaries, stating that the permissibility of exposing part of the *aurat* is strictly limited to medical contexts. If female medical personnel are in non-medical areas, such as administrative sections, they are still required to cover their *aurat* completely.

In reality, it is only female medical personnel in the operating room who are required to roll up their sleeves while performing surgery. However, not all medical teams, especially nurses in the operating room, have specific tasks such as handing surgical instruments to the

doctor. Some nurses are simply present in the surgical room without any specific duties. In such situations, it is regrettable that female medical personnel have partially uncovered themselves but remain inactive. In other words, these medical personnel have exposed parts of their bodies unnecessarily as they do not directly interact with patients. This situation is feared to lead to sin for the medical personnel. Therefore, it is necessary to re-examine the fatwa issued by the Indonesian Ulema Council (MUI) regarding the attire of female medical personnel.

The purpose of this study is to critique the MUI fatwa number 4 of 2009 regarding the attire of female medical professionals. Furthermore, this study aims to provide solutions for female medical personnel who are compelled to expose parts of their bodies. Thus, it is hoped that this study contributes to knowledge and provides recommendations to the MUI for the mutual benefit, especially for muslim women, to ensure they stay within the boundaries of religious norms and lead them towards worldly and hereafter salvation (Mayyadah, 2021).

This study is based on the principle of *maqasid al-shariah*, where the issuance of fatwa must be based on the achievement of five basic objectives (*al-kulliyat al-khamsah*), they are preserving religion, life, intellect, property, and lineage, while also considering the hierarchy of Sharia implementation consisting of necessities (*dharuriyyat*), needs (*hajiyyat*), and refinements (*tahsiniyat*) (Amin, 2014). Furthermore, this study also relies on the use of the methodology of moderation and balance (*manhaj al-wasathiyah* and *i'tidal*), meaning fatwas are based on approaches acceptable to both Sharia and intellect by considering unequivocal evidence without neglecting the current developments. This methodology seeks to implement Sharia by considering common traditions built upon benefits without abandoning the spirit of the teaching itself (Mayyadah, 2021, p. 280). Therefore, the use of this methodology is appropriate for examining contemporary issues related to women by adapting to the advancements of time.

Literature review

Maqasid al-Shariah

Etymologically, *maqasid al-shariah* originates from two words: "*maqasid*," the plural form of "*maqsad*," and "*shariah*." "*Maqsad*" refers to purpose and objective (Suhaimi et al., 2023), while "*shariah*" denotes the laws of Allah that must be adhered to by humans to attain worldly and hereafter salvation (Daud, 2019, p. 8). Terminologically, *maqasid al-shariah* is defined by Al-Zuhaili (2013, p. 307) as the values and goals of Sharia implicit in some or all of Allah's laws, wherein these values contain the purpose and secrets of Shariah (the legislator of the law). The same definition is also provided by Ibn Ashur (Daud, 2019, p. 8), who states *maqasid al-shariah* as wisdom, secrets, and objectives in the general enactment of Islamic law without specifying any particular aspect. Thus, *maqasid al-shariah* embodies the wisdom and objectives of the legislation inherent in Islamic law.

In contemporary times, the study of *maqasid al-shariah* has become an essential necessity, especially for issuing fatwas, due to several reasons. Firstly, Islamic law is Allah's law for humanity, revealed through revelation 14 centuries ago. Meanwhile, humans undergo

inevitable changes in time, and the issues faced in the past differ from those faced today. Hence, a comprehensive understanding of *maqasid al-shariah* is required so that Islamic law can be adapted to the advancements of time, proving that Islamic law is applicable for all times (*salih likulli zaman*). Secondly, historically, *maqasid al-shariah* has been a significant concern for the Prophet, companions, and tabi'in in determining a law. Thirdly, discussions on *maqasid* are the key to the success of mujtahids in ijtihad or for muftis in issuing fatwas because all matters must be referred back to the objectives of the legislation of that law (Daud, 2019).

Considering the significance of the position of *Shariah maqasid* (objectives) in the formulation of laws as well as the issuance of fatwas, Wahbah Al-Zuhaily (2013, p. 319) provides several standardizations that must be met in establishing *Shariah maqasid*. Firstly, *maqasid* must be fixed, meaning the intended meanings must be precise or approach certainty. Secondly, *maqasid* must be clear, indicating no difference of opinion among jurists regarding the given meanings. Thirdly, *maqasid* must be measurable, implying that the meanings provided must have clear criteria or boundaries. Fourthly, *maqasid* must be universal, signifying no variation in meanings anywhere and at any time.

Related to this, what must be understood is that the objective of *Shariah* in establishing a law is for the benefit of humanity while simultaneously minimizing and protecting humanity from harm both in this world and the hereafter. In connection with these *maqasid*, jurists have established five substantial bases that serve the interests of humanity, they are preserving religion (*al-din*), life (*al-nafs*), intellect (*al-aql*), progeny (*al-nasl*), and wealth (*al-mal*) (Al-Zuhaily, 2013). The sequence of these five bases follows the opinion of Imam al-Ghazali, followed by Wahbah al-Zuhaily, scholars of the Maliki and Shafi'i schools (Daud, 2019), where the first base must take precedence over the second and so forth. According to Imam Al-Syathibi (Amin, 2014), these five bases constitute certain evidence that can be accounted for and can serve as a legal foundation.

In the implementation aspect of these five bases in the establishment of laws and issuance of fatwas, Imam al-Ghazali (Al-Syatibi, 1991; Al-Zuhaily, 2013) determines a priority scale that must be considered. Firstly, *al-dharuriyat* (primary), which entails safeguarding the basic needs of humanity. This means that if these essential needs are not adequately met, they could threaten the five bases. For example, zakat is a form of preserving religion, so if zakat is not fulfilled, it could jeopardize the existence of Islam itself. Secondly, *al-hajiyyat* (secondary), which are not essential but these needs must be met to alleviate the difficulties faced by humans. If these secondary needs are neglected, it will make it difficult for humans to fulfill God's commands. For instance, the concession granted during prayers for travelers. If this concession, whether in the form of combining prayers or shortening them, is not utilized by individuals, it will make their journey difficult, which is a secondary need in preserving religion. Thirdly, *al-tahsiniyat* (tertiary), which are needs carried out to support human dignity in accordance with prevailing values and ethics. Neglecting these *tahsiniyat* needs does not damage the existence of religion or pose difficulties for humans, but it reflects poorly on them in the eyes of society. An example is the requirement for men to cover from the navel to the knees. If a man greets an honored guest wearing a T-shirt and three-quarter

length pants, it does not violate religious rules or pose difficulties for humans, but it is considered impolite (Suhaimi et al., 2023).

Manhaj al-wasathiyyah wa al-i'tidal

Etymologically, *Manhaj al-wasathiyyah wa al-i'tidal* originates from three words: "*manhaj*," meaning approach or method, "*al-wasathiyyah*," meaning moderation or centrism, and "*al-i'tidal*," which translates to justice. Therefore, in terminology, *Manhaj al-wasathiyyah wa al-i'tidal* signifies an approach or method that is acceptable both in terms of Shariah and reason, as it prioritizes the fixed evidence from Shariah while considering the evolution of time (Mayyadah, 2021, p. 280). In practice, this approach is implemented by considering local traditions built upon human welfare while still upholding the spirit of Shariah itself. When interpreting textual evidence, it is not understood only literally but also contextually, without being too rigid or excessively loose. This approach also accommodates the differences of opinion among scholars and does not adhere fanatically to a single scholar's opinion (Haid, 2019).

The principle within the *wasathiyyah* approach, according to 'Abdul Majid Muhammad al-Sausah, is *al-taysir* (facilitation), allowing humans to apply Shariah law easily. This principle does not imply making things overly easy or nullifying existing laws but rather prioritizing what is easier over what is more cautious, especially in situations where there is leniency. This principle is also in line with Yusuf Qardhawi's opinion of *yassiru wa la tu'assiru* (make things easy, do not make them difficult). He follows this because it aligns with the practice of the Prophet Muhammad, who, when given two choices, would choose the easier one as long as it was not sinful. According to Yusuf Qardhawi, if a choice tends towards caution, then a mufti may use it for themselves or for individuals who are strong in their worship and wish to be cautious, as long as they do not fear falling into extremism (Mayyadah, 2021).

Islamic Law of Covering Aurat

Islamic law requires both men and women to cover their *aurat*, which refers to parts of the body that must be concealed for reasons of modesty and religious observance. For women, the majority of scholars agree that the entire body is considered *aurat* except for the face and hands, though some opinions extend this to include the feet or even the face, especially in contexts where there is concern about temptation or "fitnah" (Mahfud et al., 2024; Marzuki et al., 2024; Rahmawati et al., 2024; Sesse, 2016). The Qur'an and Hadith provide the foundation for these requirements, with garments such as the jilbab, khimar, niqab, and burqa serving as means to fulfil this obligation, though their specific forms and cultural expressions vary (Rahmawati et al., 2024; Wijaya et al., 2023). The concept of *tabarruj*, or displaying beauty to non-mahram men, is discouraged, and clothing should not be transparent or accentuate body contours (Juwika et al., 2025).

While the obligation to cover is clear, there are differences among the four main Islamic legal schools (madhabs) regarding the precise boundaries of *aurat* in different social contexts, such as in front of *mahrams* (a person with whom marriage is permanently prohibited due to close kinship, breastfeeding, or marriage), other women, or non-Muslims (Marzuki et al., 2024).

The wisdom behind covering *aurat* is to protect dignity, maintain morality, and reflect devotion to Allah, with the practice also serving as a marker of Muslim identity (Mahfud et al., 2024; Rahmawati et al., 2024). Contemporary debates often centre on the balance between religious requirements and cultural or personal preferences, as well as the social implications of various forms of covering (Rahmawati et al., 2024; Wijaya et al., 2023). Islamic law does not mandate a specific style of clothing, as long as the criteria for covering *aurat* are met (Rahmawati et al., 2024; Sesse, 2016). In some regions, local authorities have enforced dress codes based on Islamic principles, influencing community attitudes and practices. Overall, covering *aurat* in Islam is both a spiritual and social practice, rooted in scripture and interpreted through diverse scholarly and cultural lenses.

Method

This study uses a qualitative approach with critical literature review, it is a text or discourse analysis activity that investigates an event involving the gathering of various literature (Hamzah, 2020; Azmy et al., 2024). In this study, the author utilizes the fatwa issued by the Indonesian Ulema Council (MUI) regarding the attire of female medical personnel as the primary source to be analyzed using the approach of Shariah *maqasid* and the method of *wasatiyyah* and moderation. *Maqasid al-shariah* refers to the objectives and purposes of Islamic law, which are crucial for maintaining Islam's relevance and ability to address contemporary issues (Musolli, 2018). *Al-wasatiyyah* represents balance, justice, and moderation in Islamic practice (Choudhury, 2016). These concepts are interconnected with tawhid (divine unity) in a circular causal relationship, forming a methodological framework for addressing various problems (Choudhury, 2016). A balanced approach to interpreting *maqasid al-shariah* is advocated, avoiding extreme textual or contextual reasoning (Sahidin & Kamaluddin, 2024). This moderate approach distinguishes between worship and social interactions, seeks *maqasid* before determining laws, and maintains that shariah based on definitive evidence does not conflict with common sense or public interest (Sahidin & Kamaluddin, 2024). The integration of these concepts provides a foundation for addressing contemporary issues in Islamic thought and practice.

The data analysis technique employed in this study is content analysis, which involves a systematic examination and interpretation of the primary data, such as official documents, fatwas, or relevant legal texts alongside supporting materials and contextual data. Through this method, the author identifies patterns, themes, and meanings that are pertinent to the research objectives, allowing for a comprehensive understanding of the issues under investigation.

Result and Discussion

Analysis of MUI Fatwa Number 4 of 2009 on Work Attire for Female Medical Personnel

In MUI Fatwa Number 4 of 2009 on Work Attire for Female Medical Personnel, the Indonesian Ulema Council (MUI) establishes that a woman's *aurat* (the intimate parts of the body that should be covered) includes her entire body except for her face and palms. Female

medical personnel are permitted to expose their arms up to the elbows if there is an urgent medical need. The clothing worn must be made from non-transparent materials and should not outline the shape of the body. In this context, female medical personnel refers to those working in clinical roles who interact directly with patients, such as doctors or nurses, rather than non-clinical medical personnel who work in administrative positions (Fatwa MUI Tentang Pakaian Kerja Bagi Tenaga Medis Perempuan, 2009, p. 540).

This fatwa is based on three sources of Islamic law: the Qur'an, hadith, and fiqh principles. The Qur'anic evidence is taken from Surah an-Nur, verse 31, which instructs women to lower their gaze and guard their modesty, and forbids them from displaying their adornments except what is ordinarily visible in front of *non-mahram* men (men who are not close relatives). Additionally, Surah al-Ahzab, verse 59, commands women to draw their veils over their bodies (Fatwa MUI Tentang Pakaian Kerja Bagi Tenaga Medis Perempuan, 2009, pp. 534–535).

The hadiths of the Prophet Muhammad (SAW) used as the basis for the MUI's decision include: first, a hadith from Said al-Hudri in which the Prophet Muhammad (SAW) said, "A man should not look at the *aurat* of another man, and a woman should not look at the *aurat* of another woman" (Narrated by Muslim). Second, A hadith from Ummu Salamah who asked the Prophet Muhammad (SAW), "Can a woman pray in a long shirt and headscarf without a lower garment?" The Prophet replied, "If the shirt is long and loose enough to cover the tops of her feet" (Narrated by Abu Dawud, al-Baihaqi, al-Hakim, and al-Daraqutni). third, a hadith from al-Miswar bin Makhramah, who said, "I was carrying a heavy stone while wearing a thin garment, which then opened (exposing the *aurat*). As I was carrying the stone, I could not cover it until I reached the place. The Prophet Muhammad (SAW) then said, 'Return to your garment, cover yourself, and do not walk naked'" (Narrated by Muslim) (Fatwa MUI Tentang Pakaian Kerja Bagi Tenaga Medis Perempuan, 2009, pp. 535–537).

The fiqh principles used by the MUI in issuing this fatwa are: first, an urgent need can be equated with a state of necessity (*dharurah*), both generally and specifically. Second, harm must be avoided as much as possible. Third, if a situation becomes difficult, it should be made easier. Forth, preventing harm takes precedence over seeking benefit. Additionally, this fatwa considers the opinions of several scholars, including Imam al-Nawawi, who stated, "If it is necessary to expose the *aurat*, it is permissible to do so as needed, according to the followers of the Shafi'i school." Imam Shairazi opined that it is permissible to expose part of the *aurat* due to necessity (*dharurah*), meaning there is an urgent need (*lil-hajah*) rather than a true state of necessity. If he had said, "if needed," as other Shafi'i scholars suggest, it might be more accurate to avoid implying that compulsion (*dharurah*) is required (Fatwa MUI Tentang Pakaian Kerja Bagi Tenaga Medis Perempuan, 2009, pp. 538–539).

In the above fatwa, the author sees two main points; first, the obligation for Muslim women to cover their *aurat*, which includes the entire body except the face and palms, when in the presence of non-mahrams. Second, the permissibility for female medical personnel to expose part of their arms under certain conditions. This first fatwa aligns with the opinions of various scholars, both classical and contemporary. Classical scholars like Imam Ash-Shafi'i assert that a woman's entire body is *aurat* except for her face and palms. Contemporary

scholars who share Imam Shafi'i's view include Sheikh Yusuf Qaradawi, who also maintains that the *aurat* of a Muslim woman is her entire body except for her face and palms. He further states that Islam prohibits Muslim women from wearing clothes that shape their body curves, which can provoke temptation, such as emphasizing the chest, thighs, and buttocks. Islam also forbids Muslim women from wearing transparent clothing that reveals their skin color (Iskandar & Adji, 2022). Indonesian scholars like Abdul Malik Karim Amrullah concur with these views (Iskandar & Adji, 2022).

However, some contemporary Muslim scholars hold different views on the boundaries of covering *aurat* for Muslim women, such as Muhammad Shahrur and Quraish Shihab. Muhammad Shahrur posits that a Muslim woman's *aurat* is divided into two parts: the first part includes body parts commonly exposed, such as the head, stomach, face, hands, and feet; the second part includes body parts not usually exposed, such as the breasts, genitalia, and buttocks. According to this division, Shahrur believes there are minimal and maximal limits for covering the *aurat* of Muslim women. The minimal limit involves covering body parts that a woman feels ashamed to expose, while the maximal limit involves covering the entire body except the face and palms to prevent excess in dressing. Based on this view, women have the choice to cover their *aurat* according to the minimal or maximal limits, depending on their preference (Iskandar & Adji, 2022).

Meanwhile, Quraish Shihab's perspective is that women are not obliged to wear head coverings and may expose part of their arms. However, if a Muslim woman covers her entire body except for her face and palms, she is considered to be adhering to the Quranic texts and even going beyond (Shihab, 2013). The views of these two scholars have sparked controversy as they are seen to deviate from traditional Islamic law.

The differences in opinions on the boundaries of *aurat* for Muslim women fundamentally stem from the same scriptural evidence that the MUI also used in issuing this fatwa, specifically the verses from Surah an-Nur, verse 31, and Surah al-Ahzab, verse 59. However, scholars interpret and understand these verses differently. For instance, Buya Hamka interprets Surah al-Ahzab, verse 59, based on its context (*asbabun nuzul*), noting that before this verse was revealed, there was no distinction between the clothing of noblewomen, slave women, Muslim women, or non-Muslim women. The verse was revealed to instruct the Prophet's wives, daughters, and Muslim women to wear jilbabs when going out (Hamka, 2001) so they would be recognized and not harassed. Additionally, Buya Hamka interprets the phrase "and do not display their adornment" to mean that Muslim women should not flaunt their adornments except for inconspicuous ones like rings, their face, and hands. Yusuf Qaradawi adds that according to the consensus of scholars (*ijma'*), a woman's hair is considered an adornment and must be covered based on this verse. This view is agreed upon by the majority of scholars (Iskandar & Adji, 2022).

Shahrur's reasoning for not requiring head coverings and allowing some parts of the body to be exposed is that the Quranic command to wear a jilbab is not detailed, leading to diverse interpretations whose correctness is not guaranteed. The crucial point is to cover body parts that provoke male desire and potentially lead to adultery (Iskandar & Adji, 2022). According to Quraish Shihab, a woman's hair does not need to be covered because the verse

in Surah an-Nur, verse 31, which translates to "and let them draw their headscarves over their chests," does not explicitly command it. Although the verse uses a directive term, Shihab argues it is a recommendation since not all commands in the Quran imply an obligatory action. Additionally, Shihab, citing the opinion of Thahir Ibn Ashur, suggests that wearing the jilbab is part of Arab culture and should not be imposed on other cultures with different traditions (Shihab, 2013).

Among these views, the author leans towards the opinion that a Muslim woman's *aurat* includes her entire body except for her face and hands, as this is the consensus (*jumhur*) of scholars. This stance is preferred because this view is shared by a majority of scholars, providing a higher guarantee of legal certainty compared to non-*jumhur* opinions. Additionally, following the majority view helps avoid misguidance (Iskandar & Adji, 2022).

When examining the first MUI fatwa from the perspective of *maqasid shariah* (the objectives of Islamic law), it is appropriate. Related to this, what must be understood is that the objective of *Shariah* in establishing a law is for the benefit of humanity while simultaneously minimizing and protecting humanity from harm both in this world and the hereafter. In connection with these *maqasid*, jurists have established five substantial bases that serve the interests of humanity, they are preserving religion (*al-din*), life (*al-nafs*), intellect (*al-aql*), progeny (*al-nasl*), and wealth (*al-mal*) (Al-Zuhaily, 2013). The sequence of these five bases follows the opinion of Imam al-Ghazali, followed by Wahbah al-Zuhaily, scholars of the Maliki and Shafi'i schools (Daud, 2019), where the first base must take precedence over the second and so forth.

According to Imam Al-Syathibi (Amin, 2014), these five bases constitute certain evidence that can be accounted for and can serve as a legal foundation. In this case, covering the entire body except for the face and hands is a divine command that must be observed by believers. If a Muslim woman adheres to this in all her activities, she is considered to be upholding God's law, which is a form of safeguarding her religion. Furthermore, the purpose of the *shariah* ruling to cover *aurat* is to ensure that Muslim women are recognized and not harmed by unscrupulous men, thus preserving their dignity and honor. Covering *aurat* not only protects religion but also a woman's well-being. A Muslim woman who fully covers her *aurat* is seen as graceful and honorable, and she will be protected from unwanted attention. According to Buya Hamka, this practice reflects the piety of a Muslim woman (Iskandar & Adji, 2022).

From the perspective of *manhaj al-wasathiyah wa al-i'tidal* (the methodology of moderation and balance), this fatwa can be considered moderate. It allows Muslim women the freedom to show their commonly visible adornments, namely their face and hands. This is because the face is essential for human identification. This view is considered moderate as it does not require Muslim women to cover their faces with a niqab.

Furthermore, the second decision in this MUI fatwa permits female medical personnel to expose part of their arms when performing clinical tasks. This ruling is based on several *qawaid fiqhiyyah* (jurisprudential principles) and the views of scholars, including those from the Shafi'i school, which permit exposing the *aurat* as needed due to necessity. However, this necessity must be reassessed. The allowance for exposing the arm is justified by an urgent

need, categorized as *dharurah* (necessity). This urgency should be measurable to ensure that exposing the arm is permissible only under specific conditions, allowing female medical personnel to be aware of the circumstances under which exposing certain parts of the *aurat* is allowed.

The second principle used in this MUI fatwa is that harm must be avoided as much as possible. This principle emphasizes caution to prevent falling into harmful situations. However, the permissibility of exposing a woman's arm should be examined to determine if it is the only way to avoid harm or if there are alternative solutions, such as using sleeves or similar garments, that could address the issue faced by female clinical staff in their attire. This consideration also applies to the third principle used by the MUI: if a situation becomes difficult, it should be made easier. Nonetheless, this principle must be balanced with other *fiqhiyyah* principles that guide when it is appropriate to make strict matters lenient and vice versa.

Similarly, another *fiqhiyyah* principle states, "When there is difficulty, matters become eased." This principle acknowledges that a difficult situation provides leeway for Muslims to do things normally prohibited, within certain limits. In the case of female medical personnel, they face the difficulty of needing to wear sterile, short-sleeved clothing. However, if this difficulty can be managed by using another type of sterile covering, then the situation no longer remains difficult. Additionally, since this difficulty occurs repeatedly as part of their job, efforts should be made to maintain proper coverage as much as possible. If a solution exists to mitigate the difficulty, it is better to adopt it rather than simply accepting a situation that could lead to divine displeasure.

Another *fiqhiyyah* principle guiding this MUI fatwa is "preventing harm takes precedence over obtaining benefits." According to this principle, the perceived harm addressed by the fatwa is the risk of infection if female medical personnel wear long-sleeved clothing that does not comply with operational standards, potentially endangering both their job and their health. Therefore, they are required to wear sterile, short-sleeved clothing. While this rationale is acceptable, it is not the only way to avoid harm. Alternatives could include assigning female patients to female medical personnel or using other sterile coverings. The harm considered here is worldly, where non-compliance could result in danger in this life. However, exposing part of their 'aurat,' even if just the arms up to the elbows, could result in harm in the afterlife. This should also be a consideration for female medical personnel working in clinical settings. They should not assume they are doing well and earning rewards for their work, only to face punishment in the afterlife for exposing part of their *aurat*.

Furthermore, this MUI fatwa, especially the part allowing the exposure of some of the arm while on duty, also considers the opinions of several scholars. One of them is Imam al-Nawawi, who stated: "If it is necessary to expose the 'aurat,' it is permissible to do so as needed," according to the Shafi'i school. Imam Syairazi adds that exposing part of the *aurat* is permissible out of necessity (*dharurah*), meaning due to urgent need (*lil-hajah*), not *dharurah* in its strict sense. If he had said "if needed," as other Shafi'i scholars do, it would be clearer that it does not necessarily imply an urgent situation (*dharurah*) (Fatwa MUI Tentang Pakaian Kerja Bagi Tenaga Medis Perempuan, 2009). This indicates that exposing

part of the body in this situation is not at the level of *dharurah* but rather *hajah*. When something reaches the level of *dharurah*, it threatens life, such as a person starving and only finding pork to eat; in that case, eating pork becomes necessary (*dharurah*) to avoid death. Conversely, *hajah* or *hajiyyah* represents a secondary need, not a primary one, where failure to meet it does not result in death (Suhaimi et al., 2023). Therefore, exposing part of the arm while on duty cannot be justified.

When the second fatwa, which permits female medical personnel to expose part of their arms, is analyzed based on *maqasid syariah* (the objectives of Islamic law), it should be referred back to the *maqasid* of the command to cover *aurat* for women, which is to be easily recognized and protected from harassment by men (QS. Al-Ahzab: 59). In the context of female medical personnel, wearing short-sleeved clothing serves the purposes of preserving life and wealth. It preserves life by preventing the transmission of diseases from patients to the medical personnel. It preserves wealth by ensuring that the female medical personnel can continue to earn an income. If the hospital regulations are not followed, it could lead to job loss. Furthermore, according to the MUI fatwa, the permissibility of exposing part of the arm for female medical personnel is at the level of *dharurah* (necessity) due to the conditions that necessitate it. If the reason for permitting the exposure of *aurat* is medical, alternative solutions should be sought to allow them to work effectively while still adhering to Islamic law.

Analyzing the permissibility of exposing part of the arms from the perspective of methodology (*manhaj*), it can be said that the MUI fatwa employs *manhaj al-wasathiyyah wa al-i'tidal* (the methodology of moderation and balance). MUI strives to implement Islamic law regarding covering *aurat* for women while also adapting to the conditions faced. Additionally, this fatwa tends to align with the concept of *yassiru wa laa tu'assiru* (make things easy and do not make them difficult) as proposed by Sheikh Yusuf Qardhawi (Mayyadah, 2021), thus taking a lenient approach to allow the exposure of part of the arm while on duty.

Therefore, the MUI fatwa, representing the views of scholars, is seen by some as an extension of Islamic law adjusted to the evolving times and socio-cultural context of Indonesian society. It is hoped that this fatwa aligns with Islamic legal principles, ensuring that Muslims who follow the MUI fatwa remain within the correct boundaries.

Based on the reality that female medical personnel must expose part of their arms while on duty, particularly in operating or surgical rooms, the author proposes two solutions: wearing hand cuff or long gloves.

Wearing hand cuff

Muslim women typically wear hand cuff to cover their wrists when the sleeves of their shirts are slightly loose, exposing part of their arms. The purpose of wearing hand cuff is to ensure that no part of the *aurat* (parts of the body that should be covered according to Islamic law) is visible. Therefore, using hand cuff can be a viable solution to cover the arms of female medical personnel. Hand cuff are made of stretchy materials like cotton or spandex, which

cling tightly to the arms. When the cuff fit snugly, they do not interfere with the medical personnel's activities while performing their duties. This means that the ends of the cuff will not touch the patient during examinations, thereby preventing the transmission of diseases from the patient to the medical personnel.

Wearing Long Medical Gloves

However, if hand cuff is deemed not sterile enough for use in an operating room, where sterility is crucial, female medical personnel can use long medical gloves. The purpose of wearing long gloves that extend up to the elbows is to cover the arms that cannot be fully covered by standard medical attire. This approach is better than leaving the arms exposed. Long medical gloves provide a practical and hygienic solution to ensure compliance with both medical standards and religious guidelines, allowing female medical personnel to perform their duties effectively while maintaining modesty. By implementing these solutions, female medical personnel can fulfil their professional responsibilities without compromising their adherence to Islamic dress codes.

This solution aligns with the *maqasid al-shariah*, which aims to uphold the five foundational principles of Islam, particularly preserving religion and safeguarding life. It is considered to preserve religion because female medical personnel can still assist others according to their expertise without disregarding the commandments of God. Therefore, this serves as a form of religious preservation, as covering the entire body except the face and hands is a religious commandment. Thus, in all human activities, regardless of their nature, one must still adhere to Sharia law. Additionally, this solution serves as a means of safeguarding one's soul. When female medical personnel adhere to modest dress codes, they protect themselves from undesirable male disturbance, such as physical or verbal harassment. Consequently, their contribution to healing patients does not compromise their own well-being as they uphold their modesty.

Moreover, this solution aligns with the methodology of *al-wasatiyyah wa al-i'tidal*, which adheres firmly to the Islamic legal texts while also considering the current context and developments. In today's society, the public sphere is not solely dominated by men; women also play significant roles, particularly in certain fields such as teaching, office work, and nursing. Therefore, providing opportunities for women to contribute to society while still adhering to Sharia law is in line with this methodology. It maintains a balanced approach, avoiding extremes on either side. On one hand, there are groups that restrict women's movement to specific female-only areas, such as female teachers for female students. Conversely, there are groups that overly relax Sharia law, advocating for women's freedom to work in the public sphere like men in any field, even if it requires them to compromise their religious obligations, such as revealing part of their *aurat*. Therefore, a moderate and just approach is suitable in the case of female medical personnel, allowing them to contribute to society while maintaining proper dress and behaviour, ultimately preserving their religion and souls.

Conclusion

In essence, the Indonesian Council of Ulama (MUI) Fatwa No. 4 regarding the attire of female medical personnel in 2009 contains two decisions: first, regarding the *aurat* of Muslim women, which encompasses the entire body except the face and hands; second, concerning the permissibility of partially exposing the arms when female medical personnel are performing clinical duties. The Sharia objectives (*maqasid syariah*) present in the first decision are to uphold the honor of Muslim women and to facilitate their recognition, thus contributing to their righteousness. In this regard, proper covering of the *aurat* serves to safeguard the religion and souls of women themselves. Meanwhile, the methodology (*manhaj*) employed in the first decision is moderate, neither overly stringent nor excessively permissive, adapting to the existing cultural context.

Regarding the second decision, the Sharia objectives aim to protect the souls of medical personnel from contracting patients' illnesses and to ensure their financial stability. Similarly, the methodology employed in the second decision also follows the same moderate approach, favouring facilitation over complication.

However, specifically for the second decision, there needs to be further consideration so that female medical personnel can seek alternative attire that complies with Sharia rules without undermining its objectives. This could involve using hand cuff or long gloves. This is intended to allow female medical personnel to work with greater peace of mind by adhering to God's laws in any circumstance.

Therefore, it is hoped that the MUI will add a point to this fatwa emphasizing the need to explore alternative options if female medical personnel wear short-sleeved garments to ensure adherence to Islamic regulations. This is because MUI fatwas also serve as a legacy for some Muslim communities in Indonesia.

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