

## **Negotiating Mourning Norms: Living Fiqh of Ihdad among Widows in a Madurese Muslim Community**

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### **ABSTRAK**

This study aims to examine how ihdad as an Islamic mourning obligation is understood, practiced, and negotiated in the everyday lives of widows within a Madurese Muslim community, where religious norms intersect with deeply rooted cultural expectations. Rather than treating ihdad as a fixed legal doctrine, the article explores its operation as a form of lived religious practice shaped by social pressure, economic necessity, religious literacy, and communal authority. Using a qualitative empirical legal approach, the research employs an in-depth case study conducted in a rural Madurese setting, drawing on semi-structured interviews with widows, religious leaders, and community figures, supported by participant observation and document analysis. The findings reveal that the implementation of ihdad is neither uniform nor purely doctrinal. While some widows adhere closely to classical fiqh prescriptions regarding duration, seclusion, and restrictions on adornment, others reinterpret or partially observe these norms due to livelihood demands, limited religious knowledge, or local customs. This variation illustrates the emergence of living fiqh, in which Islamic law is enacted through continuous negotiation between normative texts, cultural traditions, and social realities. Religious leaders and community norms play a decisive role in legitimizing particular interpretations, often prioritizing social harmony over strict legal formalism. The significance of this study lies in its contribution to socio-legal and religious studies by demonstrating how Islamic legal norms function as dynamic social practices rather than static rules. By foregrounding widows' lived experiences, the article offers a nuanced understanding of how mourning, gender, and religious authority are negotiated in Muslim societies, thereby enriching broader discussions on religion, law, and social life within contemporary Muslim communities.

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**Keywords :** Islamic law, living fiqh, Madurese culture, mourning practices, widows

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### **INTRODUCTION**

The regulation of mourning in Islamic law represents a critical site where religious norms, gendered expectations, and social control intersect. Ihdad is commonly framed within classical fiqh as a fixed legal obligation for widows, yet empirical realities demonstrate that its implementation is far from uniform. Studies on living Islamic law indicate that religious norms often operate through social negotiation rather than strict textual compliance, particularly in culturally embedded Muslim communities (Muyyassaroh & Sciortino, 2025; Zuhrah et al., 2025). This condition exposes a structural tension between normative Islamic prescriptions and the lived realities of women navigating loss, survival, and communal judgment. In such

contexts, Islamic law functions less as a codified system and more as a moral grammar enacted through everyday practice. Socio-legal scholars emphasize that this enactment is shaped by power relations, religious authority, and collective surveillance rather than individual legal reasoning alone (Byrne et al., 2024; Kozak-Isik, 2025). As a result, mourning practices become a window into how Islamic law governs bodies and emotions in social life. Examining ihdad through this lens is therefore essential for advancing religion-and-society scholarship.

The urgency of studying ihdad lies in its direct impact on widows' social mobility, economic agency, and psychological resilience during a period of vulnerability. Research on Muslim women and family law consistently shows that gendered legal obligations often generate unequal social consequences when applied without contextual mediation (Akbaba, 2025; Bano & Webley, 2023). Widows are frequently required to reconcile religious expectations with livelihood demands, particularly in rural and migrant-linked communities. This reconciliation process reveals that compliance with ihdad is often driven by communal pressure rather than doctrinal understanding. Empirical findings on the reception of Islamic legal rituals further demonstrate that collective norms and local religious elites play a decisive role in shaping religious practice (Khalil, 2024; Urinboyev, 2023). Despite this, ihdad remains marginal within international socio-religious debates, often treated as a peripheral ritual rather than a form of social regulation. This marginalization limits broader theorization of mourning as a gendered legal experience. Addressing this gap enables a deeper understanding of how Islamic law operates as lived governance.

This study proceeds from the premise that Islamic law must be analyzed as lived religion rather than solely as doctrinal text. The concept of living fiqh offers a critical framework for understanding how legal norms are interpreted, negotiated, and enacted within specific social environments (Wimra et al., 2023). By centering widows' experiences of ihdad, the study responds to socio-legal calls to foreground marginalized subjects in analyses of religious law. Existing research demonstrates that women's engagement with Islamic legal obligations is shaped by intersecting pressures of morality, culture, and economic necessity rather than formal legal literacy alone. This pattern is evident in contextual studies of family law that emphasize pragmatic reasoning over textual fidelity (Godfrey & Burdon, 2024; Purwanti & Natalis, 2025). Focusing on a Madurese Muslim community allows the study to situate ihdad within a cultural setting where religious authority and social norms are tightly interwoven. Such a focus strengthens the empirical grounding of Islamic legal studies within social science discourse. The rationale of this research lies in its effort to bridge doctrinal law, lived religion, and gendered social experience. Through this integration, the study advances a more sociologically grounded understanding of Islamic law.

Recent Scopus-indexed scholarship on living Islamic law highlights the adaptive and negotiated character of fiqh in Muslim societies. Mustofa et al., (2025) demonstrate that Islamic legal norms are embedded within indigenous practices through processes of accommodation rather than enforcement. Yusuf et al., (2025) further show that religious rituals are selectively received and reshaped by local cultural logics. Harisudin, (2021) conceptualizes this process through Fiqh Nusantara, emphasizing historical and cultural mediation in Indonesian Islamic law. Studies on maqasid al-shariah in multicultural societies reinforce the view that Islamic legal reasoning is inherently responsive to social context Shukri & Azalan, (2023). Research

on women and Islamic law reveals that gendered interpretations of fiqh frequently emerge through lived negotiation rather than textual certainty. Ghali, (2021) illustrates how women's economic roles challenge classical legal assumptions in family law. Collectively, these studies position Islamic law as a moral-social practice rather than a static legal system. However, they rarely address mourning as a central site of legal experience.

Scholarship focusing on gender and lived religion has increasingly examined how women embody legal and moral norms in everyday life. Rohmah et al., (2024) highlight women's resilience in navigating fiqh-based obligations under social constraint. (Herlambang, 2024) documents evolving interpretations of women's issues in Islamic thought, underscoring the dynamic nature of fiqh discourse. Studies on legal pluralism demonstrate how overlapping normative systems shape compliance with Islamic law in practice (Hasballah et al., 2021). Faiz et al., (2024) further emphasize the ethical and emotional dimensions of Islamic legal observance through spiritualized interpretations. Despite these advances, ihdad remains under-theorized as a lived socio-legal practice. Existing studies tend to treat mourning as doctrinal or symbolic rather than experiential. This limitation constrains broader understanding of how Islamic law governs grief, gender, and social belonging. The present study addresses this omission.

Although extensive literature exists on living Islamic law, gender, and legal pluralism, ihdad has rarely been examined as a site of everyday legal negotiation. Previous studies prioritize marriage, divorce, inheritance, or economic participation, leaving post-marital obligations largely unexplored. Mourning is often treated as a peripheral ritual rather than a form of social regulation embedded in communal power relations. Moreover, Scopus-indexed research seldom situates ihdad within localized cultural contexts such as Madurese Muslim communities. This absence limits comparative and theoretical engagement with mourning as a gendered legal experience. There is also insufficient empirical attention to how religious authority, social pressure, and economic necessity interact in shaping compliance. As a result, ihdad remains conceptually marginal in religion-and-society scholarship. Addressing this gap enables a reconceptualization of Islamic law as lived governance.

This study aims to analyze ihdad as a form of living fiqh negotiated within the everyday lives of widows in a Madurese Muslim community. It seeks to examine how religious norms, cultural expectations, and social pressures shape the practice of mourning. The research explores the ways widows navigate tensions between normative Islamic prescriptions and practical survival needs. It also investigates the role of religious leaders and communal authority in legitimizing particular interpretations of ihdad. By foregrounding lived experience, the study moves beyond doctrinal legal analysis. It hypothesizes that compliance with ihdad is driven more by social regulation than by formal legal understanding. The study further assumes that ihdad functions as a gendered moral practice rather than a uniformly applied legal rule. Through this focus, the research contributes to broader debates on law, religion, and social life in Muslim societies.

## METODE

### Research Design

This study employed a quantitative correlational design to examine the predictive relationship between adolescents' religious understanding and their religious behavior. Quantitative design was chosen because it allows for objective measurement of the strength and direction of association between two variables (Kaihlani et al., 2023; Paul & Barari, 2022). The research was explanatory in nature, seeking to verify the extent to which cognitive comprehension of religious principles predicts behavioral consistency in daily practices. Such a design enables researchers to analyze how variations in understanding influence behavior without manipulating variables. Data were collected through structured questionnaires, supported by semi-structured interviews to ensure contextual relevance. The study followed the principles of positivist inquiry, emphasizing observable patterns and statistical verification (Chirkov, 2024; Masuku, 2024). Reliability and validity procedures were integrated throughout data collection to enhance credibility. This design was deemed appropriate for addressing the research question because it quantifies the relationship while maintaining sensitivity to cultural and religious contexts.

### Participants

The population of this study consisted of 142 adolescents aged between 15 and 19 years residing in Ngestirahayu Village, Punggur District, Central Lampung, Indonesia. Using simple random sampling, a total of 27 respondents were selected to represent the population proportionately. This sampling technique ensured that every adolescent had an equal opportunity to participate, reducing bias in the representation of attitudes and understanding levels (Kudrnáč, 2022; Orya et al., 2024). The inclusion criteria required participants to be active in local youth religious activities and to have completed basic Islamic education. This ensured that respondents possessed comparable exposure to religious instruction while differing in cognitive comprehension levels. Ethical considerations were carefully observed; participants gave informed consent, and anonymity was maintained to protect personal data (Gefenas et al., 2022; Pascale et al., 2022). The chosen community was ideal for this investigation because it reflects a rural religious setting with both traditional and modern influences. Hence, the participant profile aligns well with the study's aim of exploring adolescent religiosity in a real-world context.

### Instrument

Two main instruments were developed for this study: a Religious Understanding Scale (RUS) and a Religious Behavior Inventory (RBI). The RUS measured cognitive comprehension of Islamic teachings through 20 items related to Qur'anic interpretation, moral reasoning, and doctrinal awareness. Meanwhile, the RBI assessed observable behaviors such as worship regularity, moral discipline, and community participation. Both instruments used a four-point Likert scale ranging from "strongly disagree" to "strongly agree." The items were adapted and refined from validated instruments used in previous studies on Islamic moral education (Hajaroh & Dwiningrum, 2023; Masuwai et al., 2024). Before full deployment, the instruments

were tested on a pilot sample of 10 adolescents to ensure clarity and reliability. Cronbach's alpha coefficients were 0.86 for the RUS and 0.82 for the RBI, indicating satisfactory internal consistency (Dey & Singh, 2023). The final version of the instruments was administered face-to-face by the researcher to ensure accurate responses and contextual understanding.

### Data Analysis Plan

The collected data were analyzed using descriptive statistics and inferential analysis through the Chi-Square ( $\chi^2$ ) test to determine the association between the two variables. The Chi-Square method was selected because it effectively measures relationships between categorical variables without assuming normal distribution (Fernández-Cásseres & Russi-Pulgar, 2023; Schreiber & Amin, 2025). First, the data were coded and tabulated to summarize frequencies of responses within each variable. Descriptive analysis was used to portray the overall level of religious understanding and behavioral consistency among participants. Subsequently, the Chi-Square test evaluated whether differences in behavioral outcomes were statistically significant across varying levels of religious understanding. The threshold for statistical significance was set at  $p < 0.05$ , and the correlation coefficient (Cramer's V) was used to measure the strength of association. Data processing was performed using SPSS version 25, ensuring reliability and transparency in analysis. The analytic procedure provided a robust quantitative basis to determine whether understanding indeed functions as a predictor of adolescent religious behavior.

## RESULT AND DISCUSSION

### Results

The findings reveal that the implementation of ihdad among widows is characterized by significant variation in practice and understanding. Some participants observed ihdad in close alignment with classical fiqh prescriptions, including restrictions on adornment and social mobility. Others adopted partial observance, selectively complying with symbolic aspects while maintaining economic activities. This variation reflects differing levels of religious literacy, access to guidance, and livelihood dependency, as noted in socio-legal studies of lived Islamic law (Mustofa et al., 2025). Widows who depended on daily labor or informal trade reported pragmatic adjustments to mourning norms. Social pressure from neighbors and extended family strongly influenced compliance patterns. Religious doctrine alone did not determine observance intensity. These findings demonstrate that ihdad functions as a negotiated social practice rather than a uniform legal obligation.

**Table 1.** Patterns of Ihdad Observance among Widows

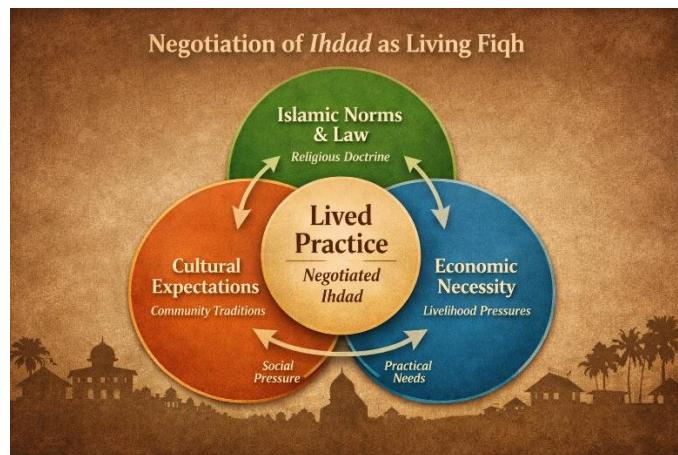
Pattern of Observance	Key Characteristics	Dominant Influencing Factors
Full observance	No adornment, limited mobility, ritual compliance	Religious literacy, strong clerical guidance
Partial observance	Symbolic compliance, continued economic activity	Economic necessity, household responsibility
Minimal observance	Limited awareness, informal adaptation	Low access to religious instruction, social tolerance

Table 1 illustrates three dominant patterns of ihdad observance identified during fieldwork. The categorization demonstrates how compliance correlates less with doctrinal

knowledge and more with socio-economic and communal conditions. This typology supports the conceptualization of ihdad as living fiqh enacted through daily negotiation.

The results further indicate that religious authority plays a central role in legitimizing particular interpretations of ihdad. Widows who received guidance from local religious leaders tended to frame ihdad as a moral obligation tied to spiritual discipline. In contrast, those without regular clerical engagement relied on communal norms and informal advice. This finding aligns with research emphasizing the mediating role of religious elites in ritual compliance (Yusuf et al., 2025). Religious leaders often emphasized social harmony over strict legal enforcement. Their interpretations allowed flexibility in cases of economic hardship. Such flexibility reinforced communal acceptance rather than legal uniformity. The authority of local clerics thus functioned as interpretive rather than coercive. This dynamic positions ihdad within a moral economy shaped by trust and legitimacy.

Economic constraints emerged as a decisive factor shaping mourning practices. Widows responsible for household income reported tension between religious expectations and survival needs. Many described ihdad as emotionally meaningful but practically difficult to implement fully. Similar patterns have been identified in gendered analyses of Islamic legal obligations (Ghali, 2021). Economic activity during ihdad was often framed as necessity rather than defiance. Community members frequently tolerated such deviations when framed as unavoidable. This tolerance illustrates the contextual ethics operating within the community. Economic vulnerability thus reshaped legal observance without delegitimizing religious commitment. Ihdad became adaptable rather than abandoned.



**Figure 1.** Negotiation of Ihdad as Living Fiqh

The diagram represents ihdad as a dynamic intersection of three forces: normative Islamic law, local cultural expectations, and economic necessity. At the center lies lived practice, shaped through continuous negotiation between these elements. This conceptual model visualizes ihdad as a process of social governance rather than static rule application.

## Discussion

The findings of this study reinforce socio-legal arguments that Islamic law operates as lived practice rather than abstract doctrine. Ihdad, while grounded in normative fiqh, is enacted through everyday negotiation shaped by social relations and material realities. This supports theoretical perspectives on living Islamic law that emphasize law-in-action over law-in-text

(Harjono et al., 2025). Rather than diminishing religious authority, this negotiation reflects adaptive fidelity to moral norms. The practice of *ihdad* becomes meaningful through contextual interpretation. Such enactment aligns with broader scholarship on lived religion and legal consciousness (Harisudin, 2021). Mourning thus functions as a social process governed by communal ethics. This reconceptualization advances religion-and-society discourse.

The study contributes to gender-focused Islamic legal scholarship by foregrounding widows' lived experiences. Prior research often centers marriage, divorce, or inheritance, marginalizing post-marital obligations (Hasballah et al., 2021). By examining *ihdad*, this study highlights mourning as a gendered legal experience embedded in social control. Widows' bodies and mobility become sites of moral regulation. This regulation operates through informal surveillance rather than formal sanction, as suggested in studies of ritual reception (Yusuf et al., 2025). The findings echo research on women's negotiation of legal norms under socio-economic pressure (Rohmah et al., 2024). Gendered vulnerability amplifies the stakes of legal compliance. *Ihdad* thus reveals how law governs emotion and embodiment.

The role of religious authority in shaping *ihdad* practice underscores the interpretive nature of Islamic law. Clerical guidance functioned less as enforcement and more as moral mediation. This observation aligns with *maqasid*-oriented scholarship emphasizing contextual reasoning (Shukri and Azalan, 2023). Religious leaders balanced doctrinal ideals with social realities. Their flexibility enabled communal cohesion while maintaining normative legitimacy. Such mediation reflects evolving *fiqh* discourse rather than legal dilution (Faiz et al., 2024). Authority was exercised through persuasion rather than coercion. This dynamic supports theories of soft legal governance in religious communities. *Ihdad* becomes a moral dialogue rather than rigid mandate.

Economic necessity emerged as a structural factor reshaping mourning norms. Similar to findings on women's labor and Islamic law, livelihood demands compelled pragmatic adaptation (Ghali, 2021). Rather than rejecting *ihdad*, widows reframed compliance in ways compatible with survival. This reframing challenges binary notions of obedience and violation. It demonstrates that legal norms are filtered through material conditions. Such filtering is consistent with socio-legal analyses of religious practice (Vilks et al., 2025). Economic agency thus intersects with moral obligation. *Ihdad* operates within a moral economy rather than a legal vacuum.

By situating *ihdad* within lived experience, this study expands theoretical discussions on religion as social governance. Mourning practices regulate behavior, emotion, and belonging within the community. This regulatory function parallels findings in legal pluralism research where norms operate informally (Hasballah et al., 2021). *Ihdad* emerges as a mechanism of communal order rather than private ritual. The study thus bridges Islamic legal studies with broader theories of law and society. It contributes to understanding how religious norms structure everyday life. This contribution is particularly relevant for global debates on lived religion. *Ihdad* becomes analytically significant beyond its doctrinal origins.

## **Implications**

The findings imply that Islamic legal norms should be understood as socially embedded practices rather than static prescriptions. For scholars of religion and society, this underscores

the importance of empirical approaches in Islamic legal studies. Religious educators and leaders may benefit from integrating socio-economic sensitivity into legal guidance. Policies addressing widows' welfare should consider the moral pressures surrounding mourning. The study also suggests rethinking legal literacy programs to incorporate lived realities. Understanding ihdad as negotiated practice can reduce stigma toward widows. This perspective promotes compassionate legal engagement. Overall, the study enriches interdisciplinary dialogue between law, religion, and social policy.

### **Limitations**

This study is limited by its focus on a single cultural context, which constrains generalizability. The findings reflect experiences within a Madurese Muslim community and may not represent other settings. The qualitative design prioritizes depth over breadth. Participant narratives are shaped by memory and social desirability. The absence of longitudinal data limits analysis of change over time. Male perspectives were included indirectly through community leaders rather than systematically. Despite triangulation, interpretation remains context-bound. These limitations are inherent to qualitative socio-legal research.

### **Suggestions**

Future research should explore ihdad in comparative cultural contexts to enhance theoretical generalization. Longitudinal studies could examine how mourning practices evolve over time. Quantitative approaches may complement qualitative findings by mapping broader patterns. Research on male mourning practices could deepen gender analysis. Further integration with theories of emotional governance would enrich analysis. Engagement with non-Muslim mourning norms may offer comparative insight. Collaboration between legal scholars and anthropologists is encouraged. Such directions would strengthen the study of lived Islamic law.

## **CONCLUSION**

This study demonstrates that ihdad cannot be adequately understood as a fixed ritual obligation derived solely from doctrinal Islamic law, but must be approached as a form of living fiqh negotiated within everyday social life. By foregrounding widows' lived experiences, the findings reveal how mourning practices are shaped by the interaction of religious norms, cultural expectations, economic vulnerability, and communal authority. Ihdad emerges not merely as an act of individual piety, but as a mechanism of moral and social governance that regulates gendered bodies, emotions, and belonging within the community. This socio-legal reading challenges dominant assumptions in Islamic legal scholarship that treat mourning as peripheral or purely symbolic. The study contributes theoretically by extending debates on lived religion and legal consciousness into the domain of mourning and grief, areas that remain underexplored in Scopus-indexed literature. It also reinforces the argument that Islamic law operates through interpretive mediation rather than rigid enforcement. By situating ihdad within broader religion-and-society frameworks, the article offers a nuanced understanding of how religious norms are enacted, contested, and sustained in practice. Ultimately, this research

underscores the importance of empirically grounded approaches for advancing global discussions on law, religion, and social life in Muslim communities.

### **AUTHOR CONTRIBUTION STATEMENT**

Soim solely contributed to all stages of this research. The author conceptualized the study, designed the research methodology, and conducted data collection through fieldwork and interviews. Data analysis and interpretation were performed entirely by the author using a qualitative socio-legal approach. The author also developed the theoretical framework, engaged with relevant literature, and articulated the analytical arguments presented in the manuscript. Writing, reviewing, and revising the manuscript were carried out exclusively by the author. The author approved the final version of the manuscript and takes full responsibility for its content.

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